

December 17, 2015

Mr. Matthew Didier
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Mail Code SE-7J
Chicago, Illinois 60604-3507

RE: Application for Brownfields Cleanup Grant
EPA-OSWER-OBLR-15-06
Woodland/Central West Basin Green Infrastructure Project – Cooper Property
Cleveland, Cuyahoga County, Ohio

Dear Mr. Didier:

The Northeast Ohio Regional Sewer District (the "District") is pleased to submit this application for a FY2016 Brownfields Cleanup Grant for the Woodland/Central West Basin Green Infrastructure Project – Cooper Property located in the Central neighborhood in the City of Cleveland, Cuyahoga County, Ohio. The U.S. EPA Cleanup Grant will provide a permanent remedy to existing hazardous substance contamination on the site, rendering this property safe for development of a green infrastructure project. This redevelopment project serves as an integral part of the District's sustainable development strategy to address combined sewer overflows and is an effort to help spark the transformation of this blighted area into a stormwater control basin and greenspace that highlights stormwater management and the improvement of water quality. The required information is provided below:

a) Application Identification: Northeast Ohio Regional Sewer District

3900 Euclid Avenue Cleveland, Ohio 44115

b) Applicant DUNS number: 07-455-4098

c) Funding Requested:

i. Grant Type: Cleanup

ii. Federal Funds Requested: \$200,000

iii. Contamination: Hazardous Substances

d) Location: Cleveland, Cuyahoga County, Ohio

e) **Property Information**: Cooper Property

6207-6319 Kinsman Road,

6400-6420 & 6401 Grand Avenue, and 2697 & 2700-2721 East 64<sup>th</sup> Place

Cleveland, Ohio 44104

December 17, 2015

f) Contacts:

i. Project Director: Lindsey Polichuk, Environmental Specialist

Phone: (216) 881-6600 Fax: (216) 881-7644

Woodland/Central West Basin Green Infrastructure Project

Email Address: PolichukL@neorsd.org

Mailing Address: Northeast Ohio Regional Sewer District

3900 Euclid Avenue Cleveland, Ohio 44115

ii. Chief Executive/Highest Ranking Elected Official Name: Mr. Julius Ciaccia, Chief

Executive Officer

Phone: (216) 881-6600 Fax: (216) 881-7644 Email Address: ciaccia@neorsd.org

Mailing Address: Northeast Ohio Regional Sewer District

3900 Euclid Avenue Cleveland, Ohio 44115

g) Date Submitted: December 17, 2015

h) Project Period: Three (3) years from the date grant is awarded

i) Population:

i. General Population of the City of Cleveland: 396,815

ii. Target Area/Jurisdiction Population: Central Statistical Planning Area – 12,306

j) Other Factors Checklist: Included as an attachment to this letter.

Thank you in advance for your time and consideration of this application.

Sincerely,

Julius Ciaccia

Chief Executive Officer, Northeast Ohio Regional Sewer District

Attachment: Other Factors Checklist

cc: Ms. Robin Halperin, Northeast Ohio Regional Sewer District
Ms. Lindsey Polichuk, Northeast Ohio Regional Sewer District

Mr. John Garvey, Partners Environmental Consulting, Inc.

# OTHER FACTORS CHECKLIST

# **Appendix 3 Cleanup Other Factors Checklist**

Name of Applicant:	Northeast Ohio Regional Sewer District

Please identify (with an x) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
None of the Other Factors are applicable.	
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States	
territory.	
Targeted brownfield sites are impacted by mine-scarred land.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield	
project completion by identifying amounts and contributors of funding in the	9
proposal and have included documentation.	
Recent (2008 or later) significant economic disruption has occurred within	
community, resulting in a significant percentage loss of community jobs and tax	
base.	
Applicant is one of the 24 recipients, or a core partner/implementation strategy	
party, of a "manufacturing community" designation provided by the Economic	
Development Administration (EDA) under the Investing in Manufacturing	
Communities Partnership (IMCP). To be considered, <b>applicants must clearly</b>	
demonstrate in the proposal the nexus between their IMCP designation and	
the Brownfield activities. Additionally, applicants must attach	
<b>documentation</b> which demonstrate either designation as one of the 24	
recipients, or relevant pages from a recipient's IMCP proposal which	
lists/describes the core partners and implementation strategy parties.	
Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for	
Sustainable Communities (PSC) grant funding or technical assistance that is	
directly tied to the proposed Brownfields project, and can demonstrate that	
funding from a PSC grant/technical assistance has or will benefit the project	
area. Examples of PSC grant or technical assistance include a HUD Regional	
Planning or Challenge grant, DOT Transportation Investment Generating	
Economic Recovery (TIGER), or EPA Smart Growth Implementation or	
Building Blocks Assistance, etc. To be considered, applicant must attach	
documentation.	
Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.	

#### 1. Community Need

### 1a. Targeted Community and Brownfields

<u>1a-i.</u> Targeted Community Description: The Cooper Property (the Property) that is the subject of this U.S. Environmental Protection Agency (USEPA) Brownfields Cleanup Grant application is a 4.95 acre portion of the 9.47 acre Site known as the Woodland/Central West Basin Green Infrastructure (WC-WB GI) Project. The Property is located within the Central neighborhood of the City of Cleveland, OH. Cleveland is the county seat of Cuyahoga County and is located in northeastern Ohio on the southern shore of Lake Erie. The City was founded in 1796 near the mouth of the Cuyahoga River and, due to its prime waterfront location, became a transportation hub and industrial powerhouse. The City's population peaked in 1950 and has seen a steady decline since that time. By 2000, the City's population was roughly half of what it was in 1950.

The Central neighborhood is located on the east side of the City, bounded by East 71<sup>st</sup> and East 22<sup>nd</sup> Streets to the east and west, with Euclid Avenue and Grand Avenue to the north and south. Central is one of Cleveland's oldest neighborhoods and was home to a variety of ethnic backgrounds in the first half of the twentieth century. Central was also home to the City's largest concentration of African Americans. This concentration has increased as other ethnic groups have moved out of the neighborhood. Central is the location of Cleveland's largest concentration of public housing. Central's population sharply declined from 52,675 in 1960 to 12,306 in 2010. In addition to the population loss, Central has experienced decades of disinvestment and devastating job loss resulting in an unemployment rate that is double that of the City and five times higher than the State of Ohio.

<u>1a-ii.</u> Demographic Information: The Target Community for this grant application is defined as the Central Statistical Planning Area (SPA) in the City of Cleveland, Cuyahoga County, Ohio.

	Target	City	County	State	National
	Community				
Population	12,306 <sup>4</sup>	396,815 <sup>1</sup>	$1,280,122^1$	11,536,504 <sup>1</sup>	308,745,538 <sup>1</sup>
Unemployment	36% <sup>4</sup>	18%4	$7.7 \%^2$	$7.4\%^{2}$	6.7% <sup>2</sup>
<b>Poverty Rate</b>	70%4	34.2% <sup>3</sup>	17.7 % <sup>3</sup>	15.4% <sup>3</sup>	$11.8\%^{3}$
<b>Percent Minority</b>	94.9% <sup>4</sup>	62.7% <sup>1</sup>	35.4% <sup>1</sup>	16.8% <sup>1</sup>	26.7% <sup>1</sup>
Median Household	\$9,418 <sup>4</sup>	\$26,556 <sup>3</sup>	\$43,861 <sup>3</sup>	\$48,246 <sup>3</sup>	\$51,371 <sup>3</sup>
Income	Ψ2,+10	Ψ20,330	Ψ+3,001	φτο,2το	Ψ51,571
High School	39%4	$76.7\%^3$	87.1% <sup>3</sup>	88.2% <sup>3</sup>	85.7% <sup>3</sup>
Graduate	37/0	70.770	07.170	00.270	05.770

<sup>&</sup>lt;sup>1</sup> Data is from the 2010 U.S. Census data and is available at <a href="http://www.census.gov/">http://www.census.gov/</a>

<u>1a-iii.</u> Description of Brownfields: The Property is the site of an illegal solid and hazardous substances dump associated with a scrap yard. The former owner/operator of the scrap yard was found guilty of open dumping and other related charges in February 2015 and is still under investigation by the City of Cleveland for criminal activities.

<sup>&</sup>lt;sup>2</sup> Data is from the Bureau of Labor Statistics and is available at <u>www.bls.gov</u>

<sup>&</sup>lt;sup>3</sup> Data is from the 2012 American Community Survey and is available at American FactFinder at: <a href="http://www.factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml">http://www.factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml</a>

<sup>&</sup>lt;sup>4</sup> Data is from Cleveland City Planning Commission 2010 Census and American Community Survey 2006 to 2010 5-Year Estimates at http://planning.city.cleveland.oh.us/2010census/cpc.html

Historically, the Property was developed as early as 1892 with residential dwellings located along the valley of a stream known as Kingsbury Run. By 1913, a significant portion of the ravine had been filled in with mostly industrial waste such as foundry sand and refractory waste and Kingsbury Run was partially culverted. The southeast portion of the Property (south of the ravine and Grand Avenue) was developed with the Nickel Plate Elevator Co., a grain/feed mill, from at least 1923 to 1968. Several small storefronts and a lumber yard were clustered on the western portion, from at least 1913 to the 1970s. The central portion was developed with a second-hand lumber facility from at least 1923 to 1968, a building/material supply (brick, tile, coal and oil) yard from at least 1934 to 1963 and a truck repair facility from at least 1951 to 1962. The former second-hand lumber facility became the site of a scrap yard (iron and salvaged material) by 1960 and expanded to include auto towing/wrecking in 1981. The scrap yard and auto wrecking operations expanded across the Property through the 2000s. The use of the Property as a scrap yard resulted in the edge of the ravine being filled with scrap materials, tires, demolition debris and solid waste.

The Property is located adjacent to a residential community to the north and northeast, a railroad right-of-way and rapid transit system to the south, vacant land and partially filled ravine to the east and across Kinsman Road to the west is the Ohio Metal Recycling industrial facility and the Green City Growers Cooperative's (GCGC) hydroponic greenhouse. The Kinsman residential neighborhood is located farther to the south, across the railroad/transit lines. There is a high concentration of Brownfield sites within Central. These Brownfields have a direct impact on the health of the local residents as a result of the lack of a significant physical buffer between the Brownfield and the surrounding residents. Three (3) Brownfields with significant environmental concerns are located within 500 feet east and west of the Property and include a former plating, foundry and oil refining facility (6300-6318 Kinsman Rd/6110 Grand Ave), a drum dump site (6678 Bushnell Ct) and a drum recycling facility (6830-6910 Beaver Ave). All of these Brownfields have been investigated for hazardous waste regulation violations and/or underground storage tank (UST) and drum removal activities.

The risk posed by the use of the Property as a scrap yard results from the fact that scrap yards typically contain the following hazardous substances: lead from batteries and old paint, mercury from light switches, anti-freeze from old cars, Freon and Chlorofluorocarbons (CFCs) from cooling systems and aerosols, Polychlorinated Biphenyls (PCBs) found in cooling/insulating/lubricating fluids, asbestos found in the brake pads/lining of older cars, motor oil, fuel and heavy metals. Hazards from demolition debris, solid waste and tires dumped at the Property include lead in paint, asbestos and mosquitoes that breed in standing water in tires and have the potential to transmit West Nile Virus. Threats to public health posed by these contaminants include increased exposure to carcinogens, contaminated surface water, aquatic life toxicity, and air pollution caused by CFC/Freon releases, as well as the fire hazard posed by scrap tires.

In addition to the large quantity of scrap materials, solid waste, tires and demolition debris deposited on the Property, soil and groundwater investigations conducted between February 2013 and October 2014 revealed soil impacted with metals (lead and chromium), polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbon (PAH) compounds, and total petroleum hydrocarbons (TPH). Lead concentrations detected in 17 soil samples ranged from 104 parts per million (ppm) to 29,600 ppm, which exceeded the toxicity characteristic leaching procedure

(TCLP) 20X Rule criteria (100 ppm) at all locations, the VAP Residential and Construction/ Excavation Worker GDCS (400 ppm) at nine (9) locations, and the VAP Commercial/Industrial GDCS (800 ppm) at three (3) locations. Chromium was detected in three (3) soil samples at concentrations above VAP Residential GDCS. PAH concentrations exceeded VAP Residential GDCS at five (5) locations and exceeded VAP Commercial/Industrial GDCS at seven (7) locations. PCB Aroclor 1254 was detected in one (1) soil sample at a concentration of 25.3 ppm. TPH C<sub>20-C34</sub> exceeded the Ohio VAP standard of 5,000 ppm at one (1) location at a depth of 12 to 16 feet bgs. Arsenic was the only metal detected in groundwater at a concentration exceeding VAP Unrestricted Potable Use Standards (UPUS). The Property also contains a significant thickness of solid waste fill over a majority of the site, with the greatest thickness (5-15 feet) near the existing ravine.

<u>1a-iv.</u> Cumulative Environmental Issues: The Northeast Ohio Areawide Coordinating Agency considers the Central neighborhood to be an environmental justice area in which 25% or more of the population is non-white and/or the number of impoverished households is 10.6% or more. According to the USEPA's EnviroFacts website, in the vicinity of the Property, there are seven (7) known hazardous waste sites, one (1) toxic release site and two (2) redeveloped Brownfield sites. A lead smelting facility (Former Atlas Metals Foundry) investigated by the USEPA's Lead Sites Initiative in the early 2000s is located within a ½ mile of the Property. Central has been developed for over 150 years and the extended period of development and high concentration of Brownfield sites have resulted in a disproportionate cumulative environmental impact on local residents, who are largely low-income and 94.9% minority.

**1b. Impacts on Targeted Community:** The contaminants described in *Section 1a-iii* can lead to a variety of public health impacts and data suggests that the Property is a contributing factor given the relationship between documented contaminants and community reported health concerns. According to the Ohio Department of Health (ODH), in 2014, out of 42 cities in Ohio, the City of Cleveland had the highest percentage of children where blood lead levels (BLL) exceeded five (5) micrograms per deciliter (μg/dL) at 13.67% (1.4 times higher than the next closest City) and the highest percentage where BLL exceeded 10 μg/dL at 3.58%.

Asbestos and PCBs are carcinogenic and PAHs are likely to be carcinogenic in humans. According to the USEPA's Environmental Justice website, for the Property's census tract, the total cancer risk is 75.3 (compared to a national average risk of 50.0), the respiratory hazard index is 3.07 (any risk over 1 is high), and the infant mortality rate is 9.44 (compared to a national rate of 6.6). Cuyahoga County is also a nonattainment area for the air pollutants ozone and particulate matter. According to the Natural Resources Defense Council, roughly 30 percent of childhood asthma is due to environmental exposures and studies suggest that air pollution may contribute to the development of asthma in previously healthy people. According to the Prevention Research Center (PRC) of Case Western Reserve University, from 2005 to 2009, the asthma rates for Cleveland (12.7%) were significant greatly than that for Ohio (8.0-9.9%) and the U.S. (8.8%). Additionally, the Central neighborhood had one of the highest asthma levels with a rate of 14.2%. Cleveland adults with asthma were 74% more likely to have high blood pressure and 84% more likely to be obese.

The Trust for Public Land's Ohio Office found that the number of publicly accessible parks is low in Central, and the quality of the parks and open spaces is poor in terms of size, safety and

maintenance. Many of the greenspaces in Central are associated with public housing developments, making these greenspaces inaccessible to the community at large. This lack of available open space contributes to a reduced amount of physical activity, which is an important risk factor for obesity. According to the 2008 Healthy Ohio Community Profiles, 25% of adult residents in Cuyahoga County are physically inactive. According to PRC, from 2005 to 2009, the adult obesity rate in Central was 40.4%, which is significantly greater than Cuyahoga County (23.0-26.3%), Ohio (24.3-29.8%) and the U.S. (24.4-26.9%). Additionally, according to the ODH, 15.8% of children in Cuyahoga County are overweight and 11.3% of children are obese.

The data above suggests that sensitive populations in Central, including minorities, low-income residents, and children, are disproportionately affected by health issues associated with Brownfields. Cleanup of the Brownfield on the Property will help to mitigate these threats to public health through removal of hazardous substance contaminated soil, reducing surrounding residents' exposure, creating greenspace, and improving opportunities for healthy activity.

### 1c. Financial Need:

**1c-i.** Economic Conditions: The Central neighborhood has experienced some of the most devastating job loss, unemployment, and increase in welfare recipients in the State with an unemployment rate of 36%, compared to 18% in the City and 6.7% nationally. A contributing factor for the high rate of unemployment in Central is a high school graduation rate of only 39%, compared to a national average of 85.7%. Within Central, the situation is dire with 70% of people living below the poverty level and a median household income of \$9,418. The combination of fewer residents to support local commercial and retail businesses and a population that is increasingly disadvantaged (low-income, reduced educational attainment and limited job opportunity), has resulted in commercial and retail businesses moving out of Central or ceasing operations entirely, often leaving behind Brownfields like the Property. Many of these areas offer prime locations for illegal environmental activities such as dumping of solid and hazardous wastes. The snowball effect of closed businesses and vacant properties has resulted in lost tax revenue, which makes it all the more difficult for the City, County, the District and local community groups to find the assets or resources necessary to reverse the continuing decline. Additionally, the City's declining tax base means less money is available to fund Brownfield redevelopment projects.

In 2011, the District entered into a Consent Decree with the USEPA to remedy the region's combined sewer overflow (CSO) problem at a cost of \$3 billion dollars over a 25 year period that will be left up to rate payers to fund. The District's approach includes a mix of gray infrastructure (e.g., deep tunnels) and green infrastructure (GI). The District conducted an evaluation of its service area to determine locations where GI systems could be placed to further reduce CSOs in areas that would still experience overflows upon completion of planned gray infrastructure solutions. The Property presented an area of opportunity as a viable reuse option for GI development; however, the presence of an unregulated scrap yard is a redevelopment obstacle since the local community is devastated by poverty and local funds do not exist to support this type of project. Since the burden for implementation of the Consent Decree will continue to fall on rate payers, the District cannot in good faith develop Brownfields without grant funding assistance.

In addition, since the remediation effort required to cleanup this Site requires a high level of technical capability and environmental experience, local subcontractors available to assist in this process are limited or unknown. The depressed local economy has further limited the number of qualified service providers available to support construction projects at Brownfield sites.

**1c-ii.** Economic Effects of Brownfields: The City and the County have lagged behind the rest of the State and nation due to population loss, disinvestment, high unemployment and pervasive poverty. Between 2000 and 2010, the City lost 17.1% of its population and the County lost 8.2%. Severe population loss can devastate local commercial corridors, including the Central neighborhood. Inactive commercial properties deaden the vitality of the neighborhood, rendering it virtually impossible for businesses to survive. Between 2000 and 2010, Central lost 2.5% of its housing stock to demolition and 12.8% of the housing units are vacant. According to Cleveland City Planning officials, approximately 44 % (roughly 300 acres) of Central consists of vacant or underutilized land and approximately 17% of the parcels within Central are currently owned by the City and County landbank programs, many of which are Brownfields.

Evidence of long-term disinvestment in Central can also be seen in its depressed real estate market. According to the Zillow Home Value index, Central home values have declined 8% over the past year and are not predicted to rise at all over the next year. The foreclosure rate in Central is 3.7 homes foreclosed per 10,000, compared to the Cleveland value of 5.7 and the national value of 3.3. Foreclosed and vacant properties create safety hazards as a result of deteriorating buildings and crumbling infrastructure, which further depresses the value of occupied properties throughout the neighborhood.

The economic downturn and population loss have left Central and the City at-large with a significant number of Brownfields. Estimates of the number of Brownfields indicate that there are 500 plus located in the City. Cleveland's Department of Economic Development is inventorying Brownfields; however, the economic crisis has added nearly 1,000 sites to the list that need to be inventoried and assessed. Additionally, these sites are tax delinquent, have decreased values, face substantial zoning code violations and are havens for criminal activities.

#### 2. Project Description and Feasibility of Success

# 2a. Project Description

<u>2a-i.</u> Existing Conditions: The District is in the midst of an ambitious effort to effectively minimize or eliminate CSOs through a combination of gray infrastructure projects and GI projects. The District developed a GI Plan which was approved by the USEPA in April 2012 that details how the District will control an additional 44 million gallons (MG) of wet weather CSO volume through GI. GI includes a range of stormwater control measures that help reduce flows to the combined sewer system.

The Property is located in the Kingsbury Run Watershed, which is tributary to the District's CSO 040. This watershed was identified as a GI target area because there will be more than 20 MG of remaining CSO in a typical year after construction of all gray infrastructure. The GI Plan gave priority to geographic areas where land ownership would accommodate permanent stormwater control measures and the project could improve socioeconomic conditions. These conditions can be improved through GI by transforming a vacant Brownfield into productive use, helping to revitalize a disadvantaged community and resulting in cleaner water, air and greenspace.

Once the District identified Central as a GI target area, the District actively included community stakeholders in the preliminary design process. The community development corporation (CDC) that represents the Property, Burten, Bell, Carr Development, Inc. (BBC), assisted in the planning-level evaluation of the target area, which resulted in the identification of the Property as a potential GI development site. As redevelopment planning moves forward, the District will employ a public participation process that ensures the involvement and equal access of the public during the design of the WC-WB GI Project.

Today the Property consists of vacant land littered with the remnants of the former scrap yard and includes an abandoned building that cannot be accessed due to safety concerns. The extent of contamination at the Property is described in further detail in *Section 1a-iii*. The proposed reuse of the Property includes the development of a GI system and greenspace. A stormwater control basin will be installed at the Property at an excavation depth of eight (8) to 10 feet below grade, which will discharge into the Kingsbury Run Culvert. The basin will temporarily store and cleanse stormwater collected through new storm sewers in the adjacent neighborhood. The greenspace will be reseeded and trees and native meadow/low maintenance vegetation will be planted. Walking paths may also be constructed around the basin.

BBC prepared a draft master plan for Central that will be finalized and adopted by the Cleveland City Planning Commission in early 2016. The WC-WB GI Project planned for the Property is included in BBC's master plan. In addition, BBC stated this Project aligns with their mission and would positively impact Central by eradicating a major blighting influence on the surrounding neighborhood, encourage reinvestment and redevelopment, preserve and protect nearby assets and increase the overall appeal and attractiveness of the community. The proposed WC-WB GI Project is also in line with the City's Connecting Cleveland 2020 Citywide Plan, which cites the improvement of regional water quality as one of the policies and strategies that should be relied upon to promote sustainable development. The Plan also cites the District's plan to address CSO events as a tool for addressing the improvement of water quality.

In addition, the Property is located near the Green City Growers Cooperative's (GCGC) hydroponic greenhouse developed in 2012. GCGC is an initiative of the Evergreen Cooperatives, launched by an initial investment from the Cleveland Foundation. BBC, in collaboration with the Cleveland Department of Economic Development, assisted with the real estate development and community outreach aspects of the \$17 million project. This development represents a targeted investment in Central and the existence of a nearby illegal dump represents an ongoing blight. Cleanup and redevelopment of the Property would continue the initial momentum established for this area of Central.

**2a-ii.** Proposed Cleanup Plan: The preferred alternative (Alternative #3) for the proposed cleanup plan includes surficial solid waste/trash removal, Remedial Investigation for the delineation of polychlorinated biphenyls (PCBs) and lead "hot spots" identified during previous investigations and waste characterization of the areas exceeding the Toxicity Characteristic Leaching Procedure (TCLP) Calculated Maximum Concentration in a Solid (20X Rule) within the basin footprint. After lead "hot spots" have been delineated and if characterized as hazardous waste (USEPA Hazardous Waste Code D008), the lead "hot spot" would be excavated and disposed off-site. The PCB "hot spot" would be disposed as solid waste, presuming PCB concentrations are below the Toxic Substances Control Act level of 50 parts per million (ppm).

All soils located outside of the hot spot areas that will be excavated for the basin construction will be reconsolidated onsite if characterization indicates soils meet site-specific recreational use standards or disposed as solid waste or PCS at an off-site facility. Areas outside the basin exceeding site-specific recreational use standards will be graded and six (6) inches of clean topsoil will be placed prior to re-seeding. In areas where subsurface solid waste remains outside of the basin, the top two (2) feet will be removed and replaced with 18 inches of compactable material and six (6) inches of clean topsoil prior to re-seeding. To ensure protection of public health during cleanup of the Property, the District will conduct all cleanup activities in accordance with the Ohio EPA's "Rule 13" process (Ohio Administrative Code [OAC] 3745-27-13). A Certified Professional licensed by Ohio EPA will oversee the cleanup and submittal of a Rule 13 Certification Report, which will be certified by a Professional Engineer.

Additional details regarding the cleanup plan are discussed in the draft Analysis of Brownfield Cleanup Alternatives (ABCA) included in **Attachment F**. Before commencement of remediation activities, an approved Rule 13 Application and a Health and Safety Plan (HASP) will be required. Since remediation activities will be conducted under the Ohio EPA Rule 13 process, a Quality Assurance Project Plan (QAPP) may not be necessary. During the site work, the District's Construction Manager will be responsible for ensuring that health and safety guidelines, as well as applicable federal/state/local environmental laws are enforced.

# **2b.** Task Descriptions and Budget Table

**<u>2b-i. Task Descriptions</u>**: The following Tasks are based on Alternative #3 of the Draft ABCA. Procurement will be completed in accordance with 40 CFR 31.36

Task 1 – Delineation and Characterization - This activity will be contracted to a qualified environmental consultant selected by the District to conduct "hot spot" delineation and waste characterization activities. Delineation and Characterization activities include, but are not limited to: delineation of lead and PCB "hot spots" and waste characterization of the soil to be excavated within the basin footprint. The cost is estimated to be \$18,000 and includes soil boring installation, sampling activities, laboratory analysis and reporting. The anticipated outputs for this task will include a Delineation and Characterization report documenting sampling activities, results, and final estimated quantities to be removed.

Task 2 – Excavation and Grading - This activity will be contracted to a qualified environmental contractor selected by the District to oversee site cleanup activities. Site cleanup activities include, but are not limited to: 1) excavation and disposal of lead impacted soil that may be characterized as hazardous waste (33.5 cubic yards [cy] at \$210.15/cy = \$7,040); 2) excavation and disposal of PCB contaminated soil as solid waste (67 cy at \$60.15/cy = \$4,030); 3) excavation and disposal of surficial solid waste/trash (500 cy at \$60.15/cy = \$30,075); 4) removal and disposal of used tires (500 tires at \$10/tire = \$5,000); 5) excavation and disposal of soils as solid waste or PCS from the basin or reconsolidation on-site (2,856 tons x \$55/ton = \$157,080); 6) excavation and disposal of subsurface solid waste/trash outside basin footprint (799 tons x \$55/ton = \$48,060); 7) placement of clean soil cover (3,369 cy at \$20/cy = \$67,380); and 8) re-seeding of area outside basin (16,260 square yards at \$1/square yard = \$16,260). The total estimated cost of this task is \$334,925. The environmental contractor costs for site cleanup activities that exceed the Brownfields Cleanup Grant amount will be paid by the District.

The anticipated <u>outputs</u> for this task will include the amount of soil disposed as hazardous and PCB impacted waste, amount of soil removed from the basin and disposed as solid waste or as PCS, the amount of solid waste/trash and tires removed from the surface of the Property, the amount soil cover placed outside the basin, and area re-seeded.

*Task 3 – HAZWOPER Training* - This activity will be subcontracted to a vendor qualified to conduct training activities. This cost estimate is based on providing one (1) Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) 40 Hour training per 29 CFR 1910.120 to 10 District employees enrolled in the Good Neighbor Ambassador Program. According to a local provider of this course, the cost per person is \$595. Once trained, Ambassadors would shadow the environmental consultant during the cleanup activities to complete field training. The anticipated <u>outputs</u> for this task will include the certificates for personnel trained and field training hours completed.

Other Tasks – Additional activities necessary to comply with the Ohio EPA's Rule 13 process associated with the WC-WB GI Project are ongoing as part of the FY15 Brownfields Cleanup Grants and are not included in the budget table. These activities include the preparation of a Rule 13 Application, an Operation & Maintenance Plan and a Risk Mitigation Plan. Additional activities necessary to achieve cleanup at the Cooper Property includes costs for the oversight of the environmental contractor (~\$45,000) and preparation of the Rule 13 Certification to Ohio EPA (~\$10,000). The costs for site cleanup activities that exceed the Brownfields Cleanup Grant amount will be paid by the District.

The District will also be providing quarterly reporting, disadvantaged business enterprise (DBE) reporting, correspondence with USEPA and/or Ohio EPA, attendance at meetings, and updating project performance databases as part of the larger WC-WB GI Project. The District's project manager will regularly communicate with the assigned USEPA project coordinator regarding the project status, project timelines and deliverables. Costs for these activities are not included in the budget table, but are considered in-kind services.

**<u>2b-ii.</u>** Budget Table: The project budget focuses all the cleanup grant funds on actual site cleanup and additional "hot spot" delineation and characterization. In addition, the project leverages considerable funding for the overall WC-WB GI Project as described in *Section 2c*.

<b>Budget Categories</b>	Project Tasks			
(programmatic costs only)	Task 1 Delineation & Characterization	Task 2 Excavation & Grading	Task 3 HAZWOPER Training	Total
Personnel	\$0	\$0	\$0	\$0
Fringe Benefits	\$0	\$0	\$0	\$0
Travel	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0
Supplies	\$0	\$0	\$0	\$0
Contractual	\$18,000	\$176,050	\$5,950	\$200,000
<b>Total Federal Funding</b>	\$18,000	\$176,050	\$5,950	\$200,000
Cost Share	\$0	\$40,000	\$0	\$40,000

<b>Total Budget</b>	\$18,000	\$216,050	\$5,950	\$240,000

**2c.** Ability to Leverage: The District has a strong track record of successfully leveraging funds to meet the financial needs of its operations and CIP projects. The District has already leveraged significant funding for the assessment, design, real estate acquisition and cleanup of distressed and underutilized property throughout the District's service area as part of the CIP. For example, in 2015, the District voluntarily funded the redevelopment of a Brownfields site in Cleveland into the Urban Agriculture GI Site, which includes four (4) stormwater control features, an outdoor education center and associated appurtenances in the amount of \$6,369,723. The District's CIP is funded through a combination of Bonds, sewer rate revenue and Ohio EPA Water Pollution Control Loan Fund (WPCLF). The funding for the WC-WB GI Project will come from the District's CIP Budget. The draft CIP Budget for 2016 is \$220M.

For the larger WC-WB GI Project, the District has already leveraged more than \$500,000 of its own funds for assessment and preliminary design services. The estimated design cost is \$1.9M and the estimated construction cost (excluding cleanup costs) is \$6.3M for the Project overall. The District secured federal funding in the form of two (2) USEPA Brownfield Cleanup Grants in FY15 for the cleanup of parcels immediately adjacent to the Cooper Property and a part of the larger WC-WB GI Project. The District has already committed to provide a 20% cost share for these grants (\$80,000) in addition to the \$40,000 cost share commitment for the Cooper Property. The overall budget for the cleanup activities is approximately \$1.5 M. The District has voluntarily committed to spend at least \$727,500 to cleanup the parcels that are subject to the FY15 Grants. Documentation of this is included in **Attachments A** and **D**.

# 3. Community Engagement and Partnerships

3a. Plan for Involving Targeted Community & Other Stakeholders; and Communicating **Project Progress:** The District is committed to educating its customers about its work, the use of ratepayer's money, the importance of the District to the quality of life in Northeast Ohio and the protection of Lake Erie. To that end, the District has implemented a communication strategy to ensure local residents, businesses and community leaders know as much as possible about District projects before, during and after construction. In addition, the District engages local stakeholders during the design of projects, as detailed in the GI Plan approved by the USEPA in April 2012. At community meetings, attendees have the opportunity to question District staff directly involved with the design and implementation of projects including design engineers and project managers. Attendees can provide verbal and/or written feedback on all aspects of projects. Following each meeting, all questions/comments are compiled into a formal report, which is shared with local elected officials, the CDC and posted online for review. If necessary, copies are also mailed to attendees without Internet access. Input received was critical to the final design of the District's prior GI projects such as the Fleet Avenue GI Project and the Fairhill/MLK GI Project. In addition, the design and implementation strategy for the WC-WB GI Project has been vetted by the City and Community stakeholders and will continue to be refined through public involvement during design.

The District will work with the community partners discussed in *Section 3c* to identify and engage with sensitive populations and surrounding residents in order to solicit their input throughout the cleanup process. The District is committed to continuing communication with community partners throughout this GI Project. The District will rely on guidance provided by

the USEPA and Ohio EPA to achieve a cleanup that protects workers, the public, and the environment.

The District planned the initial, pre-grant application community meeting for Tuesday, December 8, 2015 at the Cleveland Public Library's Woodland Branch. This location is within a ½ mile of the Property and is well-known to the target audience as a community meeting place. The District used the following vehicles to increase attendance at the meeting and included documentation of these in **Attachment E**:

- Classified Legal Notice in The Plain Dealer on Sunday, November 29, 2015;
- Postcard Mailing to 1,070 properties in the 44104 zip code, USPS Postal Routes C006, C009, C021, C023, C024 and C025 to single family households, multi-family households and businesses; and
- SwiftReach Reverse-911 Phone Call to all land-line phone numbers within an approximate 1-mile radius of Property.

The District will hold a pre-construction public meeting to discuss the proposed cleanup plan, the proposed reuse of the site for GI and present a schedule of completion activities to the public. The details will be outlined in the District's Public Participation Plan for the GI Project. During cleanup, the District will host monthly community meetings at a fixed location and date to update the community on progress. The District plans to subcontract with Environmental Health Watch (EHW) to assist with these meetings and in reporting on project status. District staff will facilitate each meeting and ensure the community has direct contact with the District to address any project questions or concerns. As part of these public engagement activities, the District will address any resident concerns that arise by collecting public comments/concerns and posting responses to these concerns online for review. Upon completion of cleanup activities, EHW will also work with the District's Media Relations Team to plan and host a final site tour for local stakeholders and media. This will provide the District, BBC, community stakeholders and USEPA with a platform to encourage future Brownfield remediation.

**3b. Partnerships with Government Agencies:** The Ohio EPA's Division of Environmental Response and Revitalization (DERR) will oversee cleanup under the Rule 13 process. A final Certification Report is required to be submitted for Ohio EPA approval. The USEPA will provide continued oversight and technical assistance for the proposed cleanup plan for the Property, as well as involvement in our other Brownfield Cleanup Grants for the remainder of the WC-WB GI Project through our FY15 Brownfields Cleanup Grant Cooperative Agreement.

<u>3c. Partnerships with Community Organizations</u>: The District has developed strong partnerships with a multitude of community organizations throughout its 62-community service area. Partnerships are vital to successful project implementation and identifying the best partners for this GI Project is crucial. The following community organizations will be a part of the redevelopment process and documentation of their commitment is included in **Attachment C**.

<u>Burton, Bell, Carr Development, Inc. (BBC)</u> - BBC is a non-profit neighborhood development organization founded in 1990 that serves Cleveland's Central and Kinsman neighborhoods (Ward 5). Their mission is to empower citizens and revitalize blighted and underserved communities. BBC has committed to providing input and technical assistance in the planning and

design of the WC-WB GI Project; share information with and engage with residents / local stakeholders; and help with the coordination of community meetings for this Project.

<u>Environmental Health Watch (EHW)</u> - EHW is a non-profit organization that helps the public and policy-makers in Cuyahoga County address critical health concerns related to our urban environment. EHW creates, assesses, demonstrates, and advocates for programs that reduce human exposure to harmful substances, promote health and sustain the natural environment. EHW has committed to assisting the District with monthly reporting to the community on project progress; attending and assisting with the pre-construction meeting and monthly meetings; and conducting public outreach activities in conjunction with District staff.

<u>Opportunity Corridor Partnership (OCP)</u> - The OCP was formed in conjunction with the development of a \$331 million, 3.5 mile road being constructed through Cleveland's most disadvantaged neighborhoods, including Central. The purpose of the OCP is to use the road as a catalyst to coordinate a comprehensive group of stakeholders to achieve transformational economic development and quality of life goals for these neighborhoods. OCP has committed to assisting the District with conducting public outreach activities and including information about the WC-WB cleanup activities in OCP's printed documents, bulletins and committee meetings.

<u>Cuyahoga County Solid Waste District (CCSWD)</u> - The CCSWD is one of 52 solid waste management (SWM) districts created by Ohio's counties following passage of the Ohio Solid Waste Disposal Act in 1988. CCSWD works to support environmentally sustainable and economical SWM practices within the communities, institutions and businesses of Cuyahoga County. CCSWD has committed to assisting the District with the selection of best management practices for SWM and scrap yard cleanup and conducting public outreach activities.

#### **4. Project Benefits**

#### 4a. Health and/or Welfare and Environmental Benefits:

**4a-i.** Health and/or Welfare Benefits: Remediation of the Property to meet site-specific recreational use standards will eliminate potential pathways by which contaminants could reach the watershed and surrounding residents. Cleanup of hazardous substance contaminated soil will minimize the potential for impacts to nearby residents through wind or direct contact to people that access the Property. Soil cleanup will also minimize the possibility of impacts to Kingsbury Run and the Cuyahoga River, further reducing residents' potential for exposure. Based on a study by the District, the planting of trees/vegetation across the Property will improve air quality through the removal of an estimated 2.8 tons of air pollutants, thereby reducing air pollution related asthma attacks. Planting stabilized ground cover will help to minimize exposure to soil contaminants, namely lead. Reduction of CSO volume flowing into local rivers/streams will result in a decrease in the potential for human exposure to pathogens and pollutants (i.e., *E. coli* bacteria) contained in CSOs. The WC-WB GI Project will directly benefit the community through the provision of walking trails and greenspace and this improved access will promote physical activities like walking, bicycling, or jogging, thereby reducing obesity, diabetes and other public health risks.

Public welfare benefits will be achieved by empowering the community to see the neighborhood in a new light with the transformation of a long-blighted area to a well maintained GI facility. Jobs will be created for the remediation and subsequent infrastructure improvement projects and

local disadvantaged businesses will be sourced to expand our existing procurement process (refer to *Section 4c-i*). The District is expanding a workforce training program known as the Good Neighbor Ambassador Program as part of the cleanup activities anticipated as part of the WC-WB GI Project (refer to *Section 4c-ii*). Trades people will be taught new means and methods for sustainable construction projects (refer to *Section 4b-i*). Eyesores will be eliminated, increasing aesthetics and improving the look and feel of the neighborhood, which will likely cause residents to take better care of their properties and have increased pride in Central. Collectively, these benefits will improve the quality of the neighborhood, serve as a catalyst to attract new investment and increase the desirability of living in the area.

4a-ii. Environmental Benefits: The WC-WB GI Project will incorporate natural features that allow for the absorption, filtration and remediation of many urban pollutants. Based on a study by the District, approximately 35 MG of stormwater will be managed, resulting in energy savings in the amount of 49,587 kilowatt-hours from reduced wastewater processing at the Southerly Wastewater Treatment Center (WWTC). Reduced energy usage is also estimated to lead to 47 tons of avoided greenhouse gas emissions at the Southerly WWTC. Additional environmental benefits include: the potential reduction of sewage backups into basements caused by the insufficient capacity of the existing CSS, and a reduction of sewage debris and odors in local waterways. The reduction of CSOs will improve the aesthetic appeal and health of waterways in the Property's watershed, in turn, encouraging more recreational use of these waterways and enhancing the natural habitats for people, plants and wildlife (less pollutants). The greenspace that will surround the stormwater contol basin will provide a buffer from the adjacent rail line, help to reduce peak stormwater flows, reduce erosion and improve the quality of stormwater leaving this site. This GI Project will enhance urban revitalization by promoting urban infill and creating a more livable, walkable community.

#### 4b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse

**4b-i.** Policies, Planning, or Other Tools: The District is committed to implementing and promoting sustainable development practices that advance environmentally safe/sustainable natural resource use, implementing stormwater control measures that protect freshwater resources and community health, investing in existing infrastructure, and maintaining, preserving and expanding greenspace and natural areas. The project specifications will recommend sustainable practices including: reuse of materials otherwise considered waste; tools to track and increase potable water conservation; and encourage operational practices, such as engine idle reduction practices, to minimize air emissions. Consideration will be given to the green remediation best management practices included in each contractor's bid package.

The post remediation GI redevelopment of the Property provides for the reuse/optimization of existing infrastructure, which will allow existing resources, both man-made and natural, to be put to better use. The cleanup planned for the Property will rely on a sorting/segregation process that will minimize landfill disposal by recovering recyclables such as metals, concrete/brick/ masonry material that can be crushed and reused on-site and tires for beneficial reuse, as well as using on-site soil/fill material deemed acceptable (below recreational use standard) for grading.

**4b-ii.** Integrating Equitable Development or Livability Principles: Sustainable and equitable development principles include the reduction in toxicity resulting from the elimination of an illegal dump in a low-income, high percentage minority neighborhood; the eradication of a major

blighting influence on an impoverished neighborhood, which helps to preserve and protect nearby assets like the GCGC hydroponic greenhouse; the creation of greenspace and walking trails in a neighborhood lacking in these amenities; and the innovative management of CSO through GI. The end point of this GI Project -removing stormwater to reduce CSOs- is the essence of sustainable development and is integrated into every aspect of the project.

# **4c. Economic and Community Benefits**

**4c-i.** Economic or Other Benefits: The most direct economic impact of the proposed cleanup at the Property is the creation of new jobs during remediation of the Property and construction of the GI system, which is anticipated to result in 15 Construction jobs. Four (4) permanent jobs will be necessary to maintain the GI system at the Property in perpetuity. Based on a study conducted by the District, these jobs would create approximately \$400,000 in regional economic impact. Property values within Central are likely to increase as a result of the repurposing of existing distressed properties and permanent GI operations and maintenance at the site, leading to an increase in the tax base.

A major component of our bidding process, the District's Business Opportunity Program (BOP) provides procurement opportunities to minority-owned, women-owned, and small businesses, thereby contributing to the economic health and vitality of the region. The District's program focuses an economic impact in the geographic area it serves. In this way, our customers have a greater opportunity to do business with the District, resulting in job and business growth for the local business community. Registering new companies as certified vendors with the District enhances our competitive bidding process and helps get the greatest value for the money. Cleanup work that will be conducted for the WC-WB GI is specialized and includes brownfields remediation, hauling and recycling subcontractors. To increase the number of qualified companies to bid on this work, the District is committed to hosting a BOP Certification Workshop targeting women-owned, minority-owned and small businesses within a 12-county area (Ashtabula, Carroll, Cuyahoga, Geauga, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull). Target industries for certification include NAICS 562910 (Environmental Remediation Services), NAICS 484110 (Local General Freight Trucking) and NAICS 423930 (Recyclable Material Merchant Wholesalers).

More difficult to track, but most certain to occur, is the retention of an existing targeted investment (GCGC hydroponic greenhouse), the reduction in crime and illicit activity through removal of an illegal dump site and increased opportunity for lower income families to new housing/commercial developments that are attracted to the area by this GI Project. This planned redevelopment will also reduce CSOs, enhance neighborhood connectivity, significantly reduce environmental impacts and create a desirable live/work/play environment. Development of this site will catalyze redevelopment of other nearby properties by making vacant in-fill lots and area Brownfields more attractive and marketable to businesses and entrepreneurs and provide safe, accessible greenspace in an area with little or no access to such features.

**4c-ii.** Job Creation Potential: Partnerships with Workforce Development Programs: In 2013, the District established a new program designed to better connect with the communities it serves. This job development initiative, the Good Neighbor Ambassador Program, integrates community outreach with career opportunities for unemployed and underemployed individuals in neighborhoods impacted by our construction projects. The District's Ambassadors act as

liaisons between the District, various community and business organizations and the general public. The Ambassadors distribute informational materials, answer questions and address concerns about the District's construction projects to local residents. The Ambassadors also perform clean-up/maintenance work and participate in educational and professional-development opportunities, relationship-building and community engagement. The Program prepares the Ambassadors for full-time employment (either at the District or externally) and offers training opportunities such as Wastewater Certification. Each week, the Ambassadors receive career-development training on topics like resume writing and personal finance, in addition to completing hands-on community work. To date, nine (9) of the 12 Ambassadors have obtained full-time employment; the District will recruit the third "cohort" of Ambassadors in April 2016. This program demonstrates the District's near- and long-term commitment to sustainable practices in our community, from both an environmental and job creation perspective.

If awarded this Grant, the District will offer OSHA's 40-hour, in-person Hazardous Waste Operations and Emergency Response (HAZWOPER) Training Course for up to 10 Ambassadors. This training not only complements existing wastewater and technology training, but also increases the pool of prospective, local candidates for job opportunities in the areas of brownfield remediation and hazardous materials handling.

# 5. Programmatic Capability and Past Performance

<u>5a. Programmatic Capability</u>: Lindsey Polichuk, Environmental Specialist, will serve as the District's Project Manager and will administer the grant. Ms. Polichuk is part of the Regulatory Compliance Group, which evaluates the District's operations and activities to ensure compliance with all environmental regulations. Ms. Polichuk has a master's degree in environmental studies with more than 10 years of experience in the management of brownfield assessment and cleanup projects. Ms. Polichuk has completed assessments and area-wide plans for various grant-funded sites and has authored grant applications. Ms. Polichuk also has established relationships with Ohio EPA and USEPA staff.

Mr. Jim Jones, District Construction Manager, will be dedicated to assist Ms. Polichuk. Mr. Jones will oversee the day-to-day activities and manage any contractors associated with the cleanup activities. Mr. Jones is a Professional Engineer with a degree in civil engineering and over 10 years of experience in managing complex construction projects. In addition, Mr. Jones has extensive experience in managing federal grants including USACE, Clean Water Act (CWA) and various other grants. As Construction Manager for the District, his main responsibilities include providing administration and oversight for all CIP projects in the District's collection system, including CSO tunnels, pumping stations and GI projects.

The District's Project Controls, Finance Department and Administrative staff will facilitate the review and approval of tasks and invoices in support of the grant. The District has developed and employed a SharePoint system for the effective and efficient management of all capital projects. This system provides an electronic mechanism to share information, track progress and approve invoices. Project Controls staff has also developed detailed protocols for the efficient management of District contracts and projects.

The District has multiple contracts with highly qualified environmental/engineering consulting firms to support management of the grant and the cleanup effort. In addition, the District has

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extensive experience with writing bid specifications, preparing requests for proposals and selecting highly qualified professionals to implement necessary services. Proposals are evaluated and awarded by a selection team in accordance with the District's Consultant Selection Process. This process includes approval by the District's internal Consultant Review Committee before recommending the award to the District's Board of Trustees. Ms. Polichuk and Mr. Jones work on a daily basis with contracted consultants who assist the District in making decisions on the best way to align cleanup activities, infrastructure work and community revitalization. In order to effectively track the progress of proposed cleanup activities, the District plans to measure outputs (described in *Section 2b-i*) and report these to the community with the assistance of EHW.

**5b.** Audit Findings: To date, the District has received no adverse audit findings.

# **5c. Past Performance and Accomplishments**

<u>5c-i.</u> Currently or Has Ever Received an EPA Brownfields Grant: The District received two (2) USEPA Brownfields Cleanup Grants in FY15 for the WC-WB GI Project.

5c-i1. Compliance with Grant Requirements: The District is in compliance with the Brownfields Cleanup Grant Requirements for the Bioretention and Greenspace Properties which were awarded in 2015 (total of \$400,000). The District developed a Work Plan for the Cleanup Grants which was approved by USEPA on 7/16/2015. The Application for Federal Assistance was submitted on time to the USEPA on 7/17/2015. The Cooperative Agreement (CA) for these grants was signed on 9/25/2015. Since the grant period for both Grants is 10/1/2015 through 9/30/2018, the District is in the very early stages of managing and complying with grant requirements. The District will make every effort to achieve the anticipated outputs of the grant in a timely manner and to comply with all terms, conditions and deadlines set forth in the CA.

No grant funds have been expended to date. However, the District intends to expend funds in 2016 as the design for the WC-WB GI Project advances and the associated cleanup activities for the site are finalized. In 2016, the selected Environmental Consultant will develop the Rule 13 Application. Actual cleanup of the site and construction of the stormwater control feature and greenspace will be completed in 2017, well within the timeframe of the grant period.

Although the District has received \$400,000 of USEPA Brownfields Clean Grant funds for the larger WC-WB GI Project, the District requires additional funding to offset the remaining cleanup costs (estimated \$1.1 M), which are above and beyond the construction costs. Although the District is required to construct GI projects, the District voluntarily chose this site to turn an environmental and health hazard into a community amenity.

5c-i2. Accomplishments: The District has not yet had a significant opportunity to produce specific outputs and outcomes. In accordance with the Work Plan, the milestones achieved thus far include: 1) Task 1 - development of a Public Participation Plan and submission of the draft to the USEPA on 11/5/2015; 2) Task 2 - competitive Request for Proposals was issued 8/6/2015, 12 proposals were received 9/4/2015 and after review and evaluation, the District entered into an agreement with Partners Environmental Consulting, Inc. for the WC-WB GI Project on 11/5/2015; and 3) Task 2 - determination that the cleanup will be completed in accordance with the Ohio EPA DERR and VAP regulations, therefore, a QAPP is not necessary.

# ATTACHMENT A THRESHOLD DOCUMENTATION

### **Threshold Criteria**

# 1. Applicant Eligibility:

- a. <u>Eligible Entity:</u> Northeast Ohio Regional Sewer District (the "District") is considered a General Purpose Unit of Local Government established in 1972 as a Regional Sewer District pursuant to Chapter 6119 of the Ohio Revised Code. A Judgment Entry confirming this is included as **Attachment G**.
- b. <u>Site Ownership:</u> The Cooper Property is comprised of 19 parcels designated Permanent Parcel Numbers (PPNs) 124-18-001, 124-18-002, 124-18-011 through 124-18-018, 124-18-071, and 124-19-023 through 124-19-030. Fourteen (14) of these parcels are owned by the District, while the other five (5) (PPNs 124-18-011, 124-18-071, 124-19-023, 124-19-024 and 124-19-025) are undergoing the appropriation process. The Appropriation Petitions were filed in Probate Court on December 10, 2015 (refer to **Criteria 3** for further discussion). A copy of the recorded deeds for the 14 parcels owned by the District and a copy of the Appropriation Petitions are included in **Appendix A**.
- 2. Letter from the State or Tribal Environmental Authority: A letter from the Ohio Environmental Protection Agency (EPA) acknowledging that the applicant plans to conduct assessment activities and is applying for federal grant funds is provided as Attachment B.

# 3. Site Eligibility and Property Ownership Eligibility:

- a. Basic Site Information
  - (a). *Name of Site:* Woodland/Central West Basin Green Infrastructure Project Cooper Property
  - (b). *Address of Site:* 6207-6319 Kinsman Road, 6400-6420 & 6401 Grand Avenue and 2697 & 2700-2721 East 64<sup>th</sup> Place, Cleveland, Ohio 44104
  - (c). *Current Owner of Site:* Northeast Ohio Regional Sewer District, Joe Cooper, Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate
  - (d). *Date Planning to Acquire Ownership of Site:* Appropriation Petitions for five (5) remaining parcels not already owned by the District were filed in Probate Court on December 10, 2015
- b. Status and History of Contamination at the Site
  - (a). Type of Contamination: Hazardous Substances
  - (b). *Operational History and Current Use(s) of Site:* The Property was developed as early as 1892 with residential dwellings located along the valley of a stream known as Kingsbury Run. By 1913, a significant portion of the ravine had been filled in with mostly industrial waste such as foundry sand and refractory waste and Kingsbury Run was partially

culverted. The southeast portion of the Property (south of the ravine and Grand Avenue) was developed with the Nickel Plate Elevator Co., a grain/feed mill, from at least 1923 to 1968. Several small storefronts and a lumber yard were clustered on the western portion of the Property, near the intersection of Grand Avenue and Kinsman Road, from at least 1913 to the 1970s. The central portion of the Property was developed with a second-hand lumber facility from at least 1923 to 1968, a building/material supply (brick, tile, coal and oil) yard from at least 1934 to 1963 and a truck repair facility from at least 1951 to 1962. The former second-hand lumber facility became the site of a scrap yard (iron and salvaged material) by 1960 and expanded to include auto towing/wrecking in 1981. The scrap yard and auto wrecking operations expanded across the Property through the 2000s. The use of the Property as a scrap yard resulted in the site being filled with scrap materials, tires, demolition debris and solid waste.

In June 2014, the City of Cleveland issued a restraining order to Mr. Cooper to cease illegal dumping activities on City-owned parcels (which were transferred to the District in December 2014). Mr. Cooper pled guilty to open dumping and other related charges on February 5, 2015. During the June 2, 2015 sentencing hearing, Mr. Cooper was ordered to clean-up the Property by September 8, 2015 or face 11 years in jail. By the September deadline, Mr. Cooper had completed some surficial cleanup activities and the Judge gave him additional time to comply with the Court's orders. A follow-up site inspection was conducted on November 12, 2015 and included representatives from the Cuyahoga County Prosecutor's Office, the Cuyahoga County Environmental Crimes Task Force, the District and the Ohio EPA Division of Materials and Waste Management. The findings of the inspection will be documented in a Site Inspection/Notice of Violation letter to be issued by the Ohio EPA. The Judge will review these findings prior to issuing a final judgment.

- (c). *Environmental Concerns:* The Property became contaminated from the decades of scrap yard operations and the illegal dumping of material on the Property.
- (d). Nature and Extent of Contamination: Soil and groundwater investigations were conducted by Resource International, Inc. (Rii), Pandey Environmental, LLC (Pandey), and Partners Environmental Consulting, Inc. (Partners) between February 2013 and October 2014 at the Property. Between the three (3) investigations, the scope of work on the Cooper Property included the advancement and installation of 22 soil borings, two (2) temporary monitoring wells, five (5) permanent monitoring wells, excavation of seven (7) test pits, and collection and analysis of soil and groundwater samples.

Analytical results revealed soil impacted with metals (lead and chromium), polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbon (PAH) compounds and Total Petroleum Hydrocarbons (TPH). Lead was detected in 17 soil samples at concentrations ranging from 104 parts per million (ppm) to 29,600 ppm. Lead concentrations exceeded the toxicity characteristic leaching procedure (TCLP) 20X Rule criteria (100 ppm) at 17 locations, the VAP Residential and Construction/Excavation worker GDCS (400 ppm) at nine (9) locations, and the VAP Commercial/Industrial GDCS (800 ppm) at three (3) locations. Chromium was detected in three (3) soil samples at concentrations above VAP Residential GDCS. PAH concentrations exceeded VAP Residential GDCS at five (5) locations and exceeded VAP Commercial/Industrial GDCS at seven (7) locations. Five (5) PAHs, including benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3cd)pyrene, were detected above VAP Residential GDCS and Commercial/Industrial GDCS, with maximum concentrations of 106 ppm, 139 ppm, 116 ppm, 16.6 ppm, and 48.4 ppm, respectively. PCB Aroclor 1254 was detected in one (1) soil sample at a concentration of 25.3 ppm. TPH C<sub>20-C34</sub> exceeded the Ohio VAP standard of 5,000 ppm at one (1) location at a depth of 12 to 16 feet bgs, in an area outside the planned basin footprint.

Groundwater was generally encountered in the native sand/silty sand beneath the fill material. Static water levels ranged from 9.89 to 38.4 feet below the top of casing. Arsenic was the only metal detected in groundwater at a concentration exceeding Ohio EPA VAP Unrestricted Potable Use Standards (UPUS).

The Property also contains a significant thickness of solid waste fill over a majority of the site, with the greatest thickness (5-15 feet) near what remains of the ravine.

#### c. Sites Ineligible for Funding:

- (a). This site is not listed or proposed for listing on the National Priorities List.
- (b). This site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA.
- (c). This site is not subject to the jurisdiction, custody, or control of the United States government.
- d. <u>Sites Requiring a Property-Specific Determination:</u> The site does not fall into any of the categories that require a property-specific determination from EPA to be eligible for funding.

- e. <u>Environmental Assessment Required for Cleanup Proposals:</u> Limited Phase II Assessments for the Property were prepared by Rii in February 2013, Pandey in February 2014, and Partners in October 2014. In addition, a Wetland and Other Waters Delineation Report for the Property was prepared by EnviroScience, Inc. in September 2014.
- f. CERCLA §107 Liability: The District believes it is not potentially liable for contamination at the site under CERCLA §107 since the District did not own or operate the site when hazardous substances were used or disposed on site. The District believes it is eligible for CERCLA liability protection as a bona fide prospective purchaser because it conducted an All Appropriate Inquiries (AAI) compliant Phase I Environmental Site Assessment (ESA) prior to initiating acquisition of the site. The District commits to comply with all Continuing Obligations after acquiring the site. The District will take appropriate care regarding any hazardous substances found at the site, including preventing future releases and exposures to hazardous substances on the site; will provide all legally required notices and cooperate with authorized response person in the event of discovery or release of any hazardous substances at the site; and comply with any land-use restrictions associated with response actions at the site.
- g. Enforcement or Other Actions: In 2013, the Cuyahoga County Environmental Crimes Task Force was created to battle against illegal dumping in the City of Cleveland and Cuyahoga County. In May 2014, the Task Force executed a search warrant on the business owned and operated by Mr. Joe Cooper on the Property. Inside of the 10+ acre lot was stolen property, dilapidated vehicles and boats, and piles of debris and tires. In February 2015, Joe Cooper was convicted of operating the site as an illegal dump and other related charges. In June 2015, Mr. Cooper was sentenced to 11 years in jail for these crimes. In lieu of jail time and fines, the presiding Judge ordered the Defendant to remove all of the solid waste from the property, the neighboring property (formerly City-owned property which is now owned by the District), and the streets in the vicinity that have been buried in soil, waste and debris over the years. A follow-up site inspection was recently conducted on November 12, 2015 and included representatives from the Cuyahoga County Prosecutor's Office, the Cuyahoga County Environmental Crimes Task Force, the District and the Ohio EPA Division of Materials and Waste Management. The findings of the inspection will be documented in a Site Inspection/Notice of Violation letter to be issued by the Ohio EPA. If the site is not cleaned up to the Judge's satisfaction in a timely manner, Mr. Cooper may be ordered to serve the 11 year sentence.
- h. <u>Information on Liability and Defenses/Protections:</u>
  - i) Information on the Property Acquisition: The District negotiated the purchase of 12 of the 19 parcels comprising the Cooper Property from the City of Cleveland Land Reutilization Program. The Quit Claim Deed transferring ownership to the District was filed on December 22, 2014

(copy included in **Appendix A**). The District negotiated the purchase of two (2) of the 19 parcels comprising the Cooper Property from private individuals. The Quit Claim Deeds for parcel numbers 124-18-012 and 124-18-013 transferring ownership to the District were filed on October 16, 2014 (copy included in **Appendix A**).

The District's real property acquisition process is governed by Ohio Revised Code Chapters 163 and 6119 and U.S. Code Title 42 Chapter 4601, known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act. During the process of acquiring property, if the District and the property owner are unable to come to equitable terms, the District may invoke its right to take the property through eminent domain as granted under ORC 6119.11.

An appropriation, as the eminent domain action is called, requires an authorizing resolution from the District's Board of Trustees. The Appropriation Petition with the authorizing resolution, the legal description and appraisal of the taking, and a title report is filed in Probate Court along with the deposit of the monetary value of the taking as determined by the appraisal.

In September 2015, the District submitted an offer to the owners of the five (5) remaining parcels comprising the Cooper Property. On October 1, 2015, the District's Board of Trustees approved Resolution No. 250-15 authorizing the District to appropriate the five (5) remaining parcels necessary for the construction of the Woodland Central West Basin GI Project. Appropriation Petitions were filed in Probate Court on December 10, 2015 (a copy of which is included in **Appendix A**). Once filed, the District will be granted access to the property pending final determination of value and title transfer. The final step in the property transfer process is for the judge to issue a Judgment Entry that will transfer ownership of the five (5) parcels to the District.

The dates of acquisition, nature of ownership, and name of the party from whom ownership was acquired is presented in the table below.

Parcel	Date of	Nature of	Previous Owner
Number	Acquisition	Ownership	
124-18-001	12/22/2014	Quit Claim Deed	City of Cleveland Land
			Reutilization Program
124-18-002	12/22/2014	Quit Claim Deed	City of Cleveland LB 82
124-18-012	10/16/2014	Quit Claim Deed	Carrie Hartman
124-18-013	10/16/2014	Quit Claim Deed	Emma Cherry
124-18-014	12/22/2014	Quit Claim Deed	City of Cleveland LB 91
124-18-015	12/22/2014	Quit Claim Deed	City of Cleveland LB 79
124-18-016	12/22/2014	Quit Claim Deed	City of Cleveland L/B 99

Parcel	Date of	Nature of	Previous Owner
Number	Acquisition	Ownership	
124-18-017	12/22/2014	Quit Claim Deed	City of Cleveland LB 92
124-18-018	12/22/2014	Quit Claim Deed	City of Cleveland LB 92
124-18-071	TBD*	Appropriation –	Curtis L. Cooper, Joseph
		Judgment Entry	A. Cooper, Arnold
			Worley, Regginal Worley
			and Joe Cooper Life
			Estate
124-18-011,	TBD*	Appropriation –	Joe Cooper
124-19-023,		Judgment Entry	
124-19-024,			
124-19-025			
124-19-026	12/22/2014	Quit Claim Deed	City of Cleveland LB 82
124-19-027	12/22/2014	Quit Claim Deed	City of Cleveland LB 94
124-19-028	12/22/2014	Quit Claim Deed	City of Cleveland LB 81
124-19-029	12/22/2014	Quit Claim Deed	City of Cleveland LB 91
124-19-030	12/22/2014	Quit Claim Deed	City of Cleveland L/B 03

TBD\* - To Be Determined: At the time of the draft application, the District had not yet acquired these parcels, but intends to acquire them through the appropriation process as explained above.

The District has no familial, contractual, corporate or financial relationships or affiliations with any prior owners, operators, or potentially responsible parties, including the person or entity from which the above-listed parcels will be purchased.

- ii) Timing and/or Contribution Toward Hazardous Substances Disposal:
  The disposal of hazardous substances at the site occurred prior to
  initiating acquisition of the Property by the District. The District did not
  cause or contribute to any release of hazardous substances at the site,
  arrange for disposal of hazardous substances at the site, or transport
  hazardous substances to the site.
- iii) *Pre-Purchase Inquiry:* Phase I ESAs including all 19 of the parcels as well as the remaining parcels comprising the larger Woodland/Central GI Project Area were conducted in compliance with AAI and ASTM E1527-13 were completed at the site by Partners Environmental Consulting, Inc. (Partners). The first Phase I ESA is dated July 11, 2014 and was performed for the District. The Environmental Professionals as defined by 40 CFR 312.10 who completed this Phase I ESA included Mr. Dan B. Brown, CPG, President of Partners and Mr. James Bell, Geologist of Partners. A follow up Phase I ESA is dated November 16, 2015 and was performed for the District. The Environmental Professionals as defined by 40 CFR 312.10 who completed the Phase I

ESA included Mr. John T. Garvey, CPG, Director of Brownfields and Remediation Services of Partners and Mr. James Bell, Due Diligence Coordinator of Partners. The Phase I ESAs were both completed within 180-days of the anticipated date of acquisition of the parcels comprising the Cooper Property.

- iv) Post-Acquisition Uses: The Cooper Property is currently developed with a two (2) story commercial building surrounded by the remnants of a scrap yard. However, since June of 2014, the former scrap yard has not been in operation and Mr. Cooper has been conducting limited surficial cleanup activities in accordance with court orders. There will be no uses of the Property under District ownership until construction of the GI basin and associated greenspace, which is scheduled to occur in 2017. As such, there are no post acquisition uses.
- continuing Obligations: In June 2014, City of Cleveland officials placed a restraining order on Mr. Cooper barring access to the scrap yard and the District's property. In February 2015, Mr. Cooper was convicted of operating the site as an illegal dump and was sentenced to 11 years in jail for these crimes. These actions have effectively stopped any continuing releases and prevents any future releases of hazardous substances to the Property. Following issuance of the restraining order, the City placed barricades at the entrance points to the Property to prevent/limit exposure to any previously released hazardous substances. Mr. Cooper has also been conducting limited cleanup activities across the Property. Once the cleanup of the Property has been completed and it is redeveloped with a GI system, the Property will be operated in perpetuity by the District, thus allowing for management of the Property and compliance with Continuing Obligations.

The District hereby confirms it will comply with all future land-use restrictions and institutional controls, will assist and cooperate with those performing the cleanup and provide access to the Property, will comply with all information requests and administrative subpoenas that have or may be issued in connection with the Property, and will provide all legally required notices.

# 4. Cleanup Authority and Oversight Structure:

a. The remediation will be managed by the District's Regulatory Compliance Group, whose staff is familiar with environmental investigations and remediation, with support from the District's Engineering and Construction Department. All work will be performed under the oversight of the Ohio EPA Division of Materials and Waste Management (DMWM) or the Division of Environmental Response and Revitalization (DERR) under the implementation of Ohio Administrative Code (OAC) 3745-27-13, also known as "Rule 13". The District will obtain an authorization from the Director of the Ohio EPA to implement remediation under

- the Rule 13. Oversight of the remediation work will be completed by an environmental consulting firm, contracted by the District, which is fully qualified in all aspects of assessment and remediation. The environmental consulting firm will utilize a Certified Professional licensed by Ohio EPA to oversee remediation activities and submittal of a Rule 13 Certification Report for the Property.
- b. Access to neighboring properties will not be necessary to complete the proposed cleanup.
- 5. Statutory Cost Share: The District is not requesting a hardship waiver of the cost share. The 20% (\$40,000) cost share will be provided by the District in the form of money allocated as part of the District's Capital Improvement Program budget. A letter from the District included in **Appendix B** affirms their ability and intent to provide the required matching funds for this project should the application be successful.
- 6. Community Notification: The community was notified that the District would be applying for this grant through the District's standard notification process. A notice was placed in the local newspaper (The Plain Dealer) on Sunday, November 29, 2015, advertising that the draft proposal, including the Analysis of Brownfields Cleanup Alternatives (ABCA), would be placed in the Cleveland Public Library's (CPL's) Woodland Branch and that a public meeting would be held on December 8, 2015. In addition, the District mailed targeted community notification notices to 1,070 properties in the 44104 zip code (postal routes C006, C009, C021, C023, C024 and C025 [single family households, multi-family households and businesses]) and completed a "reverse 911" call to residents (landlines) located within an approximate one (1) mile radius of the intersection of Woodland Avenue and East 55<sup>th</sup> Street on December 1, 2015 and sent a reminder call on December 8, 2015. BBC also placed an informational flyer about the public meeting and opportunity for public review and comment in their public resource area and distributed the flyer to partners throughout the Central community.

A copy of the draft proposal, including the ABCA, was placed in the CPL's Woodland Branch on November 30, 2015, along with an invitation to the public to provide comments either in writing or by attending the public meeting on December 8, 2015 at 5:30 pm at CPL's Woodland Branch, 5806 Woodland Avenue, Cleveland, Ohio 44104. The draft proposal was available for review at CPL's Woodland Branch through December 11, 2015. Copies of the Draft ABCA, public notification and solicitation of comments, and meeting minutes from the public meeting are included in **Attachment E** (Community Notification documentation) and **Attachment F** (ABCA). The meeting minutes document includes a summary of public comments received during the public meeting and written comments received while the draft proposal was available for review at the library, as well as the District's response to all public comments. This document was compiled into a single report and mailed out to the public meeting attendees and individuals that submitted written comments.

# APPENDIX A OWNERSHIP DOCUMENTATION

Quit Claim Deed, Recorded December 22, 2014

Quit Claim Deed, PPN 124-18-012, Recorded October 16, 2014

Quit Claim Deed, PPN 124-18-013, Recorded October 16, 2014

Appropriation Petitions, Filed in Probate Court December 10, 2015

District's Board of Trustees Resolution No. 250-15, Adopted October 1, 2015 (Exhibit A of Appropriation Petitions)

Permanent	124-18-001	124-18-005	Add.PPN: 124-18-010	124-19-029
Parcel #:	124-18-002	124-18-008	124-18-014	124-19-030
	124-18-004	124-18-008	124-18-015	
Type Instrum	nent: Quit Claim Deed Ex	Date: 12/22/2014 2:53:00 PM	124-18-016	
Tax District #	#: <b>3100</b>	Tax List Year: 2014	124-18-017	
		Land Use Code: 7000	124-18-018	
	RTHEAST OHIO REGIONAL	Land Value: <b>19,600</b>	124-18-057	
	sumed: \$ 0.00	Building Value: 0	124-18-063	
	eration: \$ 0.00	Total Value: 18,600	124-18-064	
Conv. Fee Pa		Arms Length Sale: NO	124-18-065	
	Paid: <b>\$ 10.50</b>	Ropt: H-12222014-13	124-19-026	
Fee Paid by:	CASH	Inst #: 678511	124-19-027	
Exempt Code	e: A	Check #:	124-19-028	
		<i>t i</i>		

Cuyahoga County Fiscal Officer

**CUYAHOGA COUNTY** 

OFFICE OF FISCAL OFFICER - 20 **DEQC 12/22/2014 2:58:20 PM** 

201412220653

# OFFICIAL QUITCLAIM DEED

- 1. Section 183.021 of the Codified Ordinance of Cleveland, Ohio 1976, authorizes the sale of certain land acquired by the City of Cleveland, a municipal corporation in the State of Ohio (the "City"), as part of its Land Reutilization Program; provided that certain conditions stated in Section 183.021 are first satisfied.
- 2. As evidenced by the Resolution of the Board of Control of the City of Cleveland attached hereto as Exhibit "A" and incorporated herein by reference, the City of Cleveland has determined that the sale of the property described below will satisfy the requirements of Section 183.021.
- 3. Permanent Parcel No(s). and Prior Instrument Reference: SEE ATTACHED EXHIBIT "B"

NOW, THEREFORE, THE CITY OF CLEVELAND, a municipal corporation in the State of Ohio (the "City"), for the Consideration of \$85,150.00, grants and quitclaims to the Northeast Ohio Regional Sewer District, its successors and assigns (the "Grantee(s)"), a regional sewer district organized and existing as a political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. 282-14, adopted by its Board of Trustees on December 4, 2014, whose tax mailing address is 3900 Euclid Avenue, Cleveland, OH 44115, the real property more specifically described in Exhibit "C" attached hereto and incorporated herein by reference (the "Property").

The Property is conveyed to Grantee "as is," subject to any easements of record in favor of the City and such easements as are necessary for public utilities (including without limitation, sanitary and storm sewers, electric, telephone and other transmission lines, cables, gas and water lines) presently located on the Property.

This conveyance is also made upon the express condition subsequent that Grantee shall perform the following obligation(s):

- 1. Within ninety (90) days of date of the execution of this Deed by the Mayor, commence construction of the improvements described in Exhibit "D" attached hereto and incorporated herein by reference (the "Improvements"); and complete all improvements within a mutually agreeable time frame following the date of execution of this Deed by the Mayor.
- 2. Grantee shall pay all real property taxes and assessments on the Property, or any part thereof, when they become due and payable.
- 3. Grantee upon a contemplated conveyance of the Property within five (5) years of execution of this Deed by the Mayor, will give the City 90 days' notice and the first right to acquire such Property ("Right of First Refusal"). At that time, if the City exercises its Right of First Refusal, then it shall pay an amount equal to the amount of Consideration received from the original Grantee named in this Deed, whereupon the Grantee shall convey all rights, title and interest in the Property to the City by means of a warranty deed. If the City fails to exercise its Right of First Refusal, then the Grantee shall be authorized to dispose of the Property as proposed in the notice to the City. In the event the Property is conveyed without prior notice to the City, then such conveyance shall be void and shall confer no title whatsoever upon the purported transferee.
- 4. The Property or any structure erected or to be erected on the Property shall not be used for any of the following purposes (the "Restrictions"):
  - a. to display billboards or other outdoor advertising devices other than permitted identification signs;
  - b. to carry on noxious or offensive trade which may be or become an annoyance or nuisance to the neighborhood as determined by the City;

- to create solid waste landfills; hazardous waste landfills; tire disposal facilities; or dumping ground for rubbish, trash, garbage or other waste, unless in the appropriate sanitary containers (all equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition);
- d. to allow wrecked, junked or dismantled vehicles or portions of vehicles, furniture or appliances designed for normal use or operation within dwellings, to be parked, stored or located upon the Property in such a manner or location as to be visible to any other property or from the street;
- e. to sell alcoholic or other intoxicating beverages on the Property;
- f. to permit an Adult Use, as that term is defined in the Codified Ordinances of the City of Cleveland, Ohio, 1976, as from time to time amended; and
- g. to perform any other use prohibited by the City's zoning regulations or other laws or codes.

These Restrictions may not be amended, supplemented or terminated, in whole or in part, except by written agreement of the then fee owner(s) of the Property and the City. Any such amendment, supplement or termination shall be evidenced by a document recorded in the Office of the Cuyahoga County Recorder.

If Grantee violates any of the above Restrictions, and fails to cure such violation within thirty days after written notice of default by the City, then the City shall have the option to re-enter and take possession of the Property and to terminate and revest in the City the estate conveyed by this Deed ("Right of Re-entry"). If City exercises its Right of Re-entry, it shall pay to the fee owner of the Property an amount equal to the amount of Consideration received for the Property from the original Grantee, whereupon all right, title and interest in and to the Property shall immediately vest in the City and Grantee shall have no claim for contribution or reimbursement.

Grantee and City agree that the conditions subsequent, the Restrictions, the Right of First Refusal, and the Right of Re-entry (the "Obligations") in this Deed shall constitute covenants running with the Property both as to burdens and benefits. The City's failure to exercise or the City's waiver of these Obligations shall not be construed as a waiver of any rights and remedies that the City may have to enforce Grantee's other requirements under this Deed. No waiver shall be valid against the City unless reduced to writing and signed by an authorized officer of the City.

[The remainder of this page is purposely left blank.]

e City, by its Mayor on 12/19/14 and s and Supplies on 12/8/2014, has executed, and Grantee has executed this uthorized official(s)
By: FRANK G. JACKSON, MAYOR
By: <u>DETUTE AND SUPPLIES</u> DEBORAH MIDGETT, ACTING COMMISSIONER PURCHASES AND SUPPLIES
GRANTEE(S):
NORTHEAST OHIO REGIONAL SEWER DISTRICT
Julius Ciaccia, Jr. Chief Executive Officer  AND: Darnell Brown President, Board of Trustees

STATE OF OHIO COUNTY OF CUYAHOGA)	)	SS:	
appeared to the CITY OF acknowledged that he did	CLEVE sign 1	LAND b	d for said County and State, personally by Frank G. Jackson, Mayor, who going Quitclaim Deed, and that said signing, er, and the free act and deed of the City of
IN TESTIMONY Wat Cleveland, Ohio, this	HERE GAL	<b>OF</b> , I h	nave hereunto set my hand and official seal by of
			Stw. Obla, Es.  NOTARY PUBLIC
			My Commission Expires:
STATE OF OHIO COUNTY OF CUYAHOGA)	)	SS:	Notary Public, State of Ohio My Commission has no expiration date. Section 147.03 R.C.

)

Before me a Notary Public in and for said County and State, personally appeared to the CITY OF CLEVELAND by Tiffany White, Commissioner of Purchases and Supplies, who acknowledged that he did sign the foregoing Quitclaim Deed, and that said signing was his free act and deed as said officer, and the free act and deed of the City of Cleveland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this day of pocular, 2014.

NOTARY PUBLIC
My Commission Expires: \_\_\_\_\_

ANNA SARTO
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 5/23/16

STATE OF OHIO ) COUNTY OF CUYAHOGA)	SS:
Ohio Regional Sewer District, by Darnell Brown, its Board of Trus	Before me a Notary Public in and for said opeared the above-named Grantee(s), the Northeast Julius Ciaccia, Jr., its Chief Executive Officer and stees President who acknowledged signing the uch signing was a free act and deed.
IN TESTIMONY WHERE at Cleveland, Ohio, this $4^{\frac{1}{2}}$	OF, I have hereunto set my hand and official seal day of <u>Scombox</u> , 20 /√.
JULIE A. BLAIR ATTORNEY AT LAW NOTARY PUBLIC STATE OF OHIO My Comm. Has No Expirate Section 147.03 R.C.	aid Shi
Date: 12-5, 20 <u>14</u> .	
	Mullul July Marlene Sundheimer

The instrument prepared by:

RICHARO BERTOVICH
Assistant Director of Law
City Hall
City of Cleveland Room 106
Cleveland, Ohio 441114

Chief Legal Officer Northeast Ohio Regional Sewer District

# NORTHEAST OHIO REGIONAL SEWER DISTRICT RESOLUTION NO. 282-14

Authorizing the District to acquire twenty-one (21) fee-simple acquisitions from the City of Cleveland as part of its Land Reutilization Program for construction of the Woodland Central Green Infrastructure Project.

WHEREAS, it is necessary to obtain twenty-one (21) fee-simple acquisitions for construction of the Woodland Central Green Infrastructure Project through land located in the City of Cleveland, owned by the City of Cleveland as part of its Land Reutilization Program, known as Cuyahoga County PPNs 124-18-001, 124-18-002, 124-18-004, 124-18-005, 124-18-006, 124-18-008, 124-18-010, 124-18-014, 124-18-015, 124-18-016, 124-18-017, 124-18-018, 124-18-057, 124-18-063, 124-18-064, 124-18-065, 124-19-026, 124-19-027, 124-19-028, 124-19-029 and 124-19-030; and

WHEREAS, the City of Cleveland as part of its Land Reutilization Program, for consideration of Eighty-Five Thousand One Hundred Fifty Dollars (\$85,150.00) has agreed to sell to the District the desired property;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

Section 1. That this Board finds that construction of the Woodland Central Green Infrastructure Project is a necessary and proper public improvement in the said project will further the District's stated objective of pollution abatement within the boundaries of the Northeast Ohio Regional Sewer District.

Section 2. That this Board finds that, for the reasons stated in the preamble hereof, in order to implement construction of the Woodland Central Green Infrastructure Project it is necessary to acquire twenty-one (21) fee-simple acquisitions from the City of Cleveland as part of its Land Reutilization Program further known as Cuyahoga County PPNs 124-18-001, 124-18-002, 124-18-004, 124-18-005, 124-18-006, 124-18-008, 124-18-010, 124-18-014, 124-18-015, 124-18-016, 124-18-017, 124-18-018, 124-18-057, 124-18-063, 124-18-064, 124-18-065, 124-19-026, 124-19-027, 124-19-028, 124-19-029 and 124-19-030.

Section 3. That this Board hereby accepts said property from the City of Cleveland as part of its Land Reutilization Program on behalf of the Northeast Ohio Regional Sewer District for construction of the Woodland Central Green Infrastructure Project and the Chief Legal Officer is authorized and instructed to cause said fee-simple acquisitions to be recorded in the property records of Cuyahoga County, Ohio.

Section 4. That this Board finds that the consideration to be paid for said feesimple acquisitions shall be Eighty-Five Thousand One Hundred Fifty Dollars (\$85,150.00) to be paid to the City of Cleveland as part of its Land Reutilization Program.

Section 5. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mr. O'Malley, seconded by Mayor Bacci, the foregoing resolution

was adopted on December 4, 2014.

Walter O'Malley, Secretary

**Board of Trustees** 

Northeast Ohio Regional Sewer District

#### **EXHIBIT "A"**

BOARD OF CONTROL

Received

Approved

Adopted

Secretary

RESOLUTION No. 542-14

BY: Director Rush

WHEREAS, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, under the Program, the City has acquired Permanent Parcel Nos.,

124-18-001, 124-18-002, 124-18-004, 124-18-005, 124-18-006, 124-18-008, 124-18-010, 124-18-014, 124-18-015, 124-18-016, 124-18-017, 124-18-018, 124-18-057, 124-18-063, 124-18-064, 124-18-065, 124-19-026, 124-19-027, 124-19-028, 124-19-029, 124-19-030

located on Bushnell Avenue, Kinsman Avenue, Grand Avenue, East 64th Street and East 65th Street; and

WHEREAS, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

WHEREAS, Northeast Ohio Regional Sewer District has proposed to the City to purchase and develop the parcels for a green infrastructure project; and

WHEREAS, the following conditions exist:

- The member of Council from Ward 5 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
- 2. The proposed purchaser of the parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

#### BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF

CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Northeast Ohio Regional Sewer District for the sale and development of Permanent Parcel Nos.

124-18-001, 124-18-002, 124-18-004, 124-18-005, 124-18-006, 124-18-008, 124-18-010, 124-18-014, 124-18-015, 124-18-016, 124-18-017, 124-18-018, 124-18-057, 124-18-063, 124-18-064, 124-18-065, 124-19-026, 124-19-027, 124-19-028, 124-19-029, 124-19-030

located on Bushnell Avenue, Kinsman Avenue, Grand Avenue, East 64th Street and East 65th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

BE IT FURTHER RESOLVED THAT the consideration for the sale of the parcels shall be \$85,150.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson,

Directors Parrilla, Rush, Southerington, Nichols, Fumich, O'Leary

Nays: None

Absent: Mayor Jackson, Director McGrath

### EXHIBIT "B"

Permanent Parcel No.	AFN	Volume/ Page
124-18-001	201010050230	
124-18-002		15646/77
124-18-004	201012290095	
124-18-005		95-00895/ 25
124-18-006	200001130552	
124-18-008	2008009080212	
124-18-010		85-0052/ 53
124-18-014		91-4594/33
124-18-015		15454/ 259
124-18-016	199908100532	
124-18-017		92-0524/ 15
124-18-018		92-6958/ 16
124-18-057		98-05985/ 38
124-18-063	200612150820	
124-18-064	200909280726	
124-18-065		93-05049/ 16
124-19-026		15646/ 79
124-19-027		94-01303/ 58
124-19-028		15601/457
124-19-029		91-4592/ 41
124-19-030	200306190588	

### **EXHIBIT "C"**

PPN 124-18-001

12/03/14

PARCEL NO. 1: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 43, 44, and 45 in Nicola and Judsons Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows: Beginning on the Northeasterly line of Kinsman Road, S.E., (formerly Kinsman Road) at the most Southerly corner of said Sublot No. 45; Thence Northwesterly along said Northeasterly line of Kinsman Road, S.E., 113.17 feet to its point of intersection with the Easterly line of Grand Avenue, S.E., (formerly Grand Avenue, S.E., thence Easterly along said Easterly line of Grand Avenue, S.E., 42.43 feet to the Southerly line of Grand Avenue, S.E.; Thence Easterly along said Southerly line of Grand Avenue, S.E., 141.22 feet to its point of intersection with the Southeasterly line of said Sublot No. 45; Thence Southwesterly along said Southeasterly line of Sublot No. 45, 126.55 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL NO. 2: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 46 and 47 in Nicola and Judson's Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Northeasterly line of Kinsman Road, S.E. (formerly Kinsman Street) at the most Southerly corner of said Sublot No. 47; Thence Northeasterly along the Southeasterly line of said Sublot No. 47, 200 feet to the Northeasterly corner of said Sublot No. 47; Thence Northwesterly along the Northeasterly line of said Sublot No. 47, about 1.09 feet to the Southerly line of Grand Avenue, S.E., (formerly Grand Avenue); Thence Westerly along the Southerly line of said Grand Avenue, S.E., to its point of intersection with the Northwesterly line of said Sublot No. 46; thence Southwesterly along the Northwesterly line of said Sublot No. 46 about 126.55 feet to the Northeasterly line of said Kinsman Road, S.E.; Thence Southeasterly along the Northeasterly line of said Kinsman Road, S.E., 100 feet to the place of beginning, be the same more or less, but subject to all legal highways. PARCEL NO. 3: Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Sublot No. 48 in Nicola and Judson's Subdivision of part of Original Lot No. 328, as recorded in Volume 5 of Maps, Page 5 of Cuyahoga County Records and being a portion of lands conveyed by Felix Nicola to The New York, Chicago and St. Louis Railway by Ouit-Claim Deed dated December 15, 1881 and recorded in Volume 327. Page 285 of Cuyahoga County Records and being more particularly described as follows: Beginning in the Northeasterly line of Kinsman Road, S.E., (formerly Warrensville Road) as established by City Ordinance passed May 11, 1869 and recorded in Volume 11, Page 2 of Cuyahoga County Map Records, at the Southwesterly corner of said Sublot No. 48; Thence North 36 deg. 24' 00" East along the Westerly line of said Sublot, 200 feet to the most Northerly corner thereof; Thence South 53 deg. 36' 0" East 9.52 feet along the Northerly line of said Sublot to a point in the Easterly line of said Original Lot No. 328, which point is South 0 deg. 6' 10" West, 31.66 feet from a stone monument located in Grand Avenue, S.E., 60 feet wide as now established on said original Lot line; thence South 0 deg. 6' 10" West, 118 feet along said Original Lot line to a point 16 feet Northerly at right angles to the center line of the Northerly track of the New York, Chicago and St. Louis Railroad Company; Thence South 70 deg. 59' 0" West, 127.41 feet parallel to the center line of said Northerly track to an intersection with said Northeasterly line of Kinsman Road, S.E., which point is 7.05 feet Southeasterly from the place of beginning, measured along said street line; Thence North 53 deg. 36' 0" West, 7.05 feet more or less, along said street line to the place of beginning, containing 8,760 square feet, be the same more or less, but subject to all legal highways.

<u>Note</u>: Any alteration of the legal description of the subject property by the recipient may, at the discretion of Cleveland Title Services Agency, Ltd. and/or the Underwriter, result in a termination of the title coverage issued on the subject property.

OK BB 12/03/14

#### PPN 124-18-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, indicated on the County Auditor's Records as Permanent Number 124-18-002, and known as being parts of Sublots 1 to 7 and 35 in the J. H. Deckand Subdivisions, part of Saginaw Road (86 feet wide) and Grand Avenue (60 feet wide) now vacated, of part of Original 100 Acre Lot No. 329, as shown by the recorded plat in Volume 8 of Maps, Page 33 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Westerly line of Original Lot No. 329 with the Southerly side of Grand Avenue (60 feet wide) which point is also the Northwesterly corner of the S/L 1 of said subdivision; Thence Easterly along the Southerly side of Grand Avenue, 305.24 feet to the Northeasterly corner of S/L 6 of said Subdivision; Thence Northeasterly, 42.24 feet to a point distant Northerly 15 feet from the Northeasterly corner of S/L 7 of said Subdivision; Thence Southerly, 15 feet to the Southerly line of Grand Avenue (now vacated) and the Northeasterly corner of said S/L 7; Thence Southwesterly along the Northwesterly line of a parcel of land conveyed to The New York, Chicago and St. Louis Railroad Company by deed dated June 29, 1932 and recorded in Volume 4254, Page 35 of Cuyahoga County Records, 368.28 feet to the Westerly line of O.L. 326, to a point distant Southerly 129.57 feet from the Southerly side of Grand Avenue. Thence Northerly along the Westerly line of O.L. 329, 129.57 feet to the place of beginning, containing 0.5195 acres of land, be the same more or less but subject to all legal highways.

PPN 124-18-004



Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Sublot No. 2 in Arnold Green's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 329 and 332, as shown by the recorded plat of said Re-Subdivision in Volume 17 of Maps, Page 21 of Cuyahoga County Records and bounded and described as follows: Beginning on the Easterly line of said Sublot No. 2, at the Northeasterly corner of land described in the deed to The New York, Chicago and St. Louis Railroad Company, dated November 12, 1931 and recorded in Volume 4217, Page 516 of Cuyahoga County Records; Thence Southwesterly along the Northwesterly line of land so described in the deed to The New York, Chicago and St. Louis Railroad Company, which is also the Northwesterly line of Grand Avenue, S.W., as shown by the dedication plat in Volume 131 of Maps, Page 117 of Cuyahoga County Records, 31.70 feet to the Westerly line of said Sublot; Thence Northerly along the Westerly line of said Sublot, 123.55 feet to the most Northerly corner thereof; Thence Southeasterly along the Northeasterly line of said Sublot, 78.89 feet to the Northeasterly corner thereof; Thence Southerly along the Easterly line of said Sublot, 40.34 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

<u>Note</u>: Any alteration of the legal description of the subject property by the recipient may, at the discretion of Cleveland Title Services Agency, Ltd. and/or the Underwriter, result in a termination of the title coverage issued on the subject property.

0K Ab 12/03/14

#### PPN 124-18-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 3 in Arnold Green's Re-Subdivision of part of Original One Hundred Acre Lot No. 329, as recorded in Volume17, Page 21 of Cuyahoga County Records, and excepting ---the following described part to-wit:

Beginning at the intersection of the Easterly line of Sublot No. 3, with the Northerly line of Grand Ave., S.E. 60 feet wide as formerly established; thence Northerly along said Easterly line 44.26 feet to a point in the Northerly line of Grand Ave. S.E. as diverted; thence Westerly along said Northerly line 31.70 feet to the Westerly line of Sublot No. 3; thence Southerly along said Westerly line of Sublot No. 3, 34.02 feet to said Northerly line of Grand Ave. S.E. as formerly established; thence Easterly along said Northerly line as formerly established 30 feet to the place of beginning, containing 1,174 feet, more or less.

Said part of Sublot No. 3 having been conveyed to the Chicago, New York and St. Louis R.R. Co. by deed dated November 21, 1941.

Also subject to zoning ordinances, if any.

01L B 12103/4

#### PPN 124-18-006

Situate in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 4 and 5 in the Arnold Green's ReSubdivision of part of Original One Hundred Acre Lots Nos. 329, 331 and 332, as shown by the recorded plat in Volume 17 of Maps, Page 21 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Northwesterly line of Grand Avenue, S.E., as shown by the dedication plat recorded in Volume 131 of Maps, Page 117 of Cuyahoga County Records, at its intersection with the Westerly line of said Sublot No 5; thence Northeasterly along the Northwesterly line of Grand Avenue, S.E., to its intersection with the Easterly line of Sublot No 4; thence Northerly along the Easterly line of Sublot No. 4 to the Northeasterly corner thereof; thence Westerly along the Northerly lines of Sublots Nos. 4 and 5; 60 feet to the Northwesterly corner of said Sublot No, 5; thence Southerly along the Westerly line of Sublot No. 5 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to zoning ordinances, if any.

#### PPN 124-18-008



OK AS [2/03/14

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being part of Original 100 Acre Lot No. 329 and bounded and described as follows:

Beginning at a point in the Northerly line of Grand Avenue, S.E. 40 feet Westerly of the South Easterly corner of lands heretofore conveyed, to Frank Wachalec, Sr., by deed dated December 10, 1870, and recorded in Volume 181, Page 270 of Cuyahoga County Records, thence Northerly along the Westerly line of lands heretofore conveyed to Frank Wachalec, Jr. by deed dated February 10, 1881, and recorded in Volume 318, Page 217, 140 feet; thence Westerly to a stake at the North Easterly corner of land heretofore conveyed by Frank Wachalec, Sr., and wife, to Joseph Wachalec; thence Southerly along the Easterly line of said lands so conveyed to Joseph Wachalec 135 feet to the Northerly line of Grand. Avenue, S.E., thence Easterly 40 feet to the place of beginning, and being the same premises recorded in Volume 1465, Page 309 of Cuyahoga County Records of Deeds, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.



Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being part of Original One Hundred Acre Lot No. 329, bounded and described as follows:

Beginning at a point on the Northerly line of Grand Avenue S. E., 121 feet distant Westerly, from the Southeasterly corner of land conveyed to Frank Waschalec by deed dated December 10, 1870 and recorded in Volume 181, Page 270 of Cuyahoga County Records; thence Northerly along the Westerly line of land conveyed to Joseph Wachalec by Deed dated August 1<sup>st</sup>, 1882 and recorded in Volume 339, Page 601 of Cuyahoga County Records, a distance of 127 feet; thence Southerly and parallel with the Easterly line of land herein described, 127 feet to the Northerly line of Grand Avenue S.E.; thence Easterly along the Northerly line of Grand Avenue S.E., 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

#### PPN 124-18-014



Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot No. 10 in Felix Nicola and W.E. Judson's Re-Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 64<sup>th</sup> Place, and extending back 123.106 feet on the Northerly line, 123.45 feet on the Southerly line, and having a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to Zoning Ordinances, if any.

#### PPN 124-18-015



Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, indicated on the County Auditor's Records as Permanent Number 124-18-015, and known as being Sublot No. 8 in Felix Nicola and W.E. Judson's Re-Subdivision of a part of SubLots Nos. 4 and 49 in Nicola and Judson's Subdivision of part of original one hundred acre lot No., 328 as shown by the recorded plat of said Re--subdivision in Volume 13 of Maps, Page 9, of Cuyahoga County Records, and being 35 feet front on the Easterly side of Beaver Court, now known as East 64<sup>th</sup> Place, 122-762/1000 feet deep on the Northerly line, 123-106/1000 feet deep on the Southerly line and 35 feet in the rear, as appears by said plat be the same more or less, but subject to all legal highways.

#### PPN 124-18-016



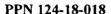
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being further known and described as follows:

Known as being Sublot No 6 in Felix Nicola and W.E. Judson's Re-Subdivision of part of Original One Hundred Acre Lot No 328, as shown by the recorded plat of said Re-Subdivision in Volume 13 of Maps, page 9 of Cuyahoga County Records. Said Sublot No. 6 has a frontage of 35 feet on the Easterly side of East 64<sup>th</sup> Street (formerly Beaver Court), and extends back 122 418/1000 feet on the Northerly line, 122 762/1000 feet on the Southerly line, and has a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.



Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot No. 4 in Felix Nicola and W. E. Judson's Re-Subdivision of part of Original One Hundred Acre Lot No. 328, as shown, by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records, and being 35feet front on the Easterly side of East 64<sup>th</sup> Place, and extending back 122.074 feet on the Northerly line, 122.416 feet on the Southerly lime, and having a rear line of 35 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.





Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and indicated on the County Auditor's Records as Permanent Parcel No. 124-18-18 and known as being all of Sublot No. 2 in the R and J Subdivision, of part of Original Township Lot No. 328 as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records. Said Sublot has a frontage of 35.00 feet on E. 64 Pl. as appears by said plat, but is subject to all legal highways.

#### PPN 124-18-057



Situated in the City-of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots 8 and all of Sublot Nos. 7 and 8 in Arnold Green's Re-Subdivision of part of Original 100 Acre Lots Nos. 329, 331 and 332 as Shown by the recorded plat in Volume 17 of Maps, Page 21 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northeasterly line of East 65 Street, (formerly Chester Street) at its intersection with the Southerly line of Bushnell Avenue, S.E., as now established, 40 feet wide; thence Southeasterly along the Northeasterly line of East 65 Street, 439.53 feet to the Northwesterly line of Grand Avenue, Southeast, as shown by the dedication plat of Grand Avenue, recorded in Volume 131 of Maps, Page 117 of Cuyahoga County. Records; thence Northeasterly along the Northwesterly line of Grand Avenue, S.E., to the Westerly line of Sublot No. 5 in the Arnold Green Re-Subdivision, as aforesaid; thence Northerly along the Westerly fine of said Sublot No. 5 to the Northwesterly corner thereof, thence Easterly along the Northerly lines of Sublots Nos. 5,4 and 3 in said Subdivision, 87.05 feet to the Southeasterly corner of said Sublot No. 8; thence Northwesterly along the Northeasterly line of Sublot No. 8, 268.92 feet to the Southerly line of Bushnell Avenue, S.E.; thence Westerly along the Southerly line of Bushnell Avenue, S.E., 139.98 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

All of the above property being subject to restrictions, convenants, limitations, conditions, easements and rights of way, of record and running with the land, if any.

Also subject to zoning ordinances, if any.

PPN 124-18-063



Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 19 in M. H. Rose's Allotment of part of Original One Hundred Acre Lot No. 329 as shown by the recorded plat in Volume 3 of Maps, Page 44 of Cuyahoga County Records and being 36 1/2 feet front on the Westerly side of East 65th Street (formerly Chester Street) 128 feet deep on the Northerly line, 136 feet deep on the Southerly line and is 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 124-18-064



#### PARCEL 1:



Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 329 and bounded and described as follows:

Beginning on the Northerly line of Grand Avenue S.E., at its point of intersection with the Westerly line of said Original Lot No. 329; thence Northerly along said Westerly line of said Original Lot No. 329, 400.91 feet to the Southwesterly corner of Sub Lot No. 19 in The M.H. Rose Allotment of part of Original One Hundred Acre Lots Nos. 329, 331 and 332, as shown by the recorded plat in Volume 3 of Maps, Page 44 of Cuyahoga County Records; thence Easterly along the Southerly line of said Sub Lot No. 19, in said M.H. Rose Allotment, to the Westerly line of East 65m Street, (formerly Chester Street); thence Southeasterly along said Southwesterly line of East 65th Street, 269.52 feet to the Northeasterly corner of land conveyed to Frank Wachalec Jr. by Deed dated February 10, 1881 and recorded in Volume 318, Page 217 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Frank Wachalec Jr., 30 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of land conveyed to Frank Wachalec, Jr., as aforesaid, 3.78 feet to the Northeasterly corner of land conveyed to John Wachalec by Deed dated July 1, 1884 and recorded in Volume 371, Page 166 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to John Wachalec and along the Northerly line of land conveyed to Joseph Wachalec by Deed dated August 1, 1882 and recorded in Volume 339. Page 601 of Cuyahoga County Records, 53.55 feet; thence Southwesterly along said Northwesterly line of land so conveyed to Joseph Wachalec, 10.17 feet to the Northeasterly corner of land conveyed to James and Barbara Wachalec by Deed dated February 4, 1916 and recorded in Volume 1741, page 545 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed, 40 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of land so conveyed, 127 feet to the Northerly line of Grand Avenue S.E.; thence Westerly along said Northerly line of Grand Avenue S.E., 116.52 feet to the place of beginning, be the same more or less, but subject to all legal highways.

#### PARCEL 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 329, bounded and described as follows:

Beginning at a point on the Northerly line of Grand Avenue S.E., 121 feet distant Westerly, from the Southeasterly corner of land conveyed to Frank Wachalec by Deed dated December 10, 1870 and recorded in Volume 181, Page 270 of Cuyahoga County Records; thence Northerly along the Westerly line of land conveyed to Joseph Wachalec by Deed dated August 1s', 1882 and recorded in Volume 339, Page 601 of Cuyahoga County Records, a distance of 127 feet; thence Westerly and parallel with said Grand Avenue S.E., 40 feet; thence Southerly and parallel with the Easterly line of land herein described, 127 feet to the Northerly line of Grand Avenue S.E.; thence Easterly along the Northerly line of Grand Avenue S.E., 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

12/04/1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 17 in John and Mary J. Robertson's Subdivision of part of Original One Hundred Acre Lots Nos. 329 and 332 as shown by the recorded plat in Volume 3 of Maps, Page 49 of Cuyahoga County Records and being a parcel of land bounded and described as follows:

Beginning at a point which is the intersection of the Southerly line of Bushnell Court with the Southwesterly line of land conveyed to Daniel O'Conner by deed dated September 4, 1876 and recorded in Volume 262, Page 269 of Cuyahoga County Deed Records; thence Westerly along the Southerly line of Bushnell Court, 24.13 feet; thence Southeasterly along the Southwesterly line of said sublot No. 17, 118.72 feet to the most southerly corner of said Sublot No. 17; thence Northwesterly along the Southwesterly line of land conveyed to Daniel O'Conner as aforesaid, 112.295 feet to the place of beginning.

Also subject to zoning ordinances, if any.

Prior Instrument Reference: Volume 11865, Page 863, Records of the County Recorder of Cuyahoga County, State of Ohio.

PPN 124-19-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, indicated on the County Auditor's Records as Permanent Number 124-19-026, and known as being S/L 11 in the Nicola and Judson Re-Subdivision of part of Original 100 Acre Township Lot No. 328 as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records;

Said S/L 11 has a frontage of 30.30 feet on the Westerly side of East 64 Place (30 feet wide), extends back between parallel lines 105.26 feet on the Northerly line, 128.73 feet on the Southerly line, has a rear line of 38.33 feet and contains 0.0817 acres of land, as appears by said plat, be the same more or less but subject to all highways.

PPN 124-19-027

V

0K 12/04/19

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 and The Nicola and Judson's Re-Subdivision of part of Original One Hundred Acre Lot No. 328, as shown in the Recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records and being 35 feet front on the-Westerly side of East 64th Place (formerly Beaver Court) 100.17-feet deep on the Northerly line, 106.26 feet deep on the Southerly line and having a broken rear line of 39.50 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 7 in Felix Nicola and W.E. Judson's Re-Subdivision of part of Original 100 Acre Lot No. 328 as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 124-19-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in the Nicola & Judson's Re-Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records, and being 35 feet front on the Westerly side of East 64<sup>th</sup> Place, and extending back 119.27 feet on the Northerly line, 109.72 feet on the Southerly line, and having a rear Line of 36.292 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to-Zoning Ordinances, if any.

PPN 124-19-030

11 N 124-12

0K 12/04/14

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 3 in Nicola and Judson's Re-Subdivision of part of Original One Hundred Acre Lot No. 328 as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 64th Street (formerly Beaver Court) 128.82 feet deep on the Northerly line, 119.27 feet deep on the Southerly line and 36.292 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to Zoning Ordinances, if any.

#### **EXHIBIT "D"**

#### <u>IMPROVEMENTS</u>

Grantee shall develop the property as the West Basin component of its Woodland/Central green infrastructure project, which shall be considered the 'Improvements', in conjunction with the Grantee's CSO storm water mitigation plan. Site restoration features such as trees, shrubbery, and other landscaping including sidewalks, pavement, lighting and fences shall be installed as mutually agreed upon. Grantee shall make all Improvements in conformity with all plans approved by the Cleveland City Planning Commission, Design Review Committee and/or its authorized designee. Grantee shall also keep and maintain the Improvements in a safe and sound condition and in compliance with all applicable laws, ordinances, rules, and regulations and promptly shall maintain, repair, or replace the Improvements, as necessary including without limitation any and all conditions and requirements imposed by any governmental agency with jurisdiction, and Grantee has the sole and exclusive responsibility of informing itself thereof.

Grantee shall make property improvements in compliance with the current city code and approved by the Cleveland City Planning Commission, Design Review Committee and/or its authorized designee, as required. Upon the City's request, Grantee shall deliver to the City, plans and specifications for all Improvements in sufficient detail to demonstrate Grantee's full compliance with all applicable state and local laws. Grantee shall construct the Improvements in conformity with all plans approved by the Cleveland City Planning Commission, Design Review Committee and/or its authorized designee.

Permanent 124-18-012 Parcel #:

**CUYAHOGA COUNTY** OFFICE OF FISCAL OFFICER - 3 DEED 10/16/2014 3:52:29 PM

201410160641

Type Instrument: Warranty Deed Ex

Tax District #: 3100

Date: 10/16/2014 3:44:00 PM

Tax List Year: 2014

Land Use Code: 4000

Grantee: NORTHEAST OHIO REGIONAL Land Value: 900 Balance Assumed: \$ 0.00 Total Consideration: \$ 0.00 Conv. Fee Paid: \$ 0.00 Transfer Fee Paid: \$ 0.50

Building Value: 0 Total Value: 900 Arms Length Sale: NO Rcpt: C-10162014-24

Inst #: 668718

Fee Paid by: CASH Exempt Code: A

Check #:

Mark a Park .

Cuyahoga County Fiscal Officer

KNOW ALL MEN BY THESE PRESENTS THAT: Carrie Hartman, divorced, the Grantor(s) herein, in consideration of the sum of One Thousand, Six Hundred Dollars (\$1,600.00), to be paid by the Northeast Ohio Regional Sewer District, a regional sewer district organized and existing as a political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. 74-14 adopted by its Board of Trustees on 4/3/14 hereby grant, bargain, sell, convey and release, with general warranty covenants, to the Northeast Ohio Regional Sewer District and its successors and assigns, the Grantee herein, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 124-18-012

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF Prior Instrument Reference: Volume 87-2445, Page 65, Cuyahoga County Recorder's Office.

And the said Grantor(s), for herself and her successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that she is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and have good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record: (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations;

and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

IN WITNESS WHEREOF Carrie Hartman has hereunto set her hand on the \_\_\_\_\_\_ day of October, 2014. STATE OF OHIO, COUNTY OF CUYAHOGA SS: BE IT REMEMBERED that on the 10th day of October,

2014, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Carrie Hartman, who acknowledged the foregoing instrument to be her voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC

My Commission expires:

Som bourt

Notary Public, State of Ohio hiy Commission Expires: 11-30-2014

#### **EXHIBIT A**

LPA RX 851 WD

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Page 1 of 1

Rev. 06/09

#### PARCEL 124-18-012

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE

THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, A REGIONAL SEWER DISTRICT ORGANIZED AND EXISTING AS A POLITICAL SUBDIVISION OF THE STATE OF OHIO UNDER CHAPTER 6119 OF THE OHIO REVISED CODE

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter)

[Surveyor's description of the premises follows]

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 14 in Felix Nicola and W.E. Judson's re-subdvision of part of Original One Hundred Acre Lot No. 328, as shown by the records plat of said Re-subdivision in Volume 13 of Maps, Page nine (9) of Cuyahoga County Records.

Said Sublot No. 14, has a frontage of 35 feet on the Easterly side of East 64th Place (formerly Beaver Court) and extends back 123 794/1000 feet, on the Northerly line, 125 138/1000 feet on the Southerly line and has a rear line of 35 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Permanent 124-18-013 Parcel #:

**CUYAHOGA COUNTY** OFFICE OF FISCAL OFFICER - 3 DEED 10/16/2014 3:52:29 PM

Type Instrument: Warranty Deed Ex

Date: 10/16/2014 3:48:00 PM 201410160642

Tax District #: 3100

Tax List Year: 2014

Grantee: NORTHEAST OHIO REGIONAL Land Value: 900

Land Use Code: 4000

Balance Assumed: \$ 0.00 Total Consideration: \$ 0.00

Building Value: 0 Total Value: 900

Conv. Fee Paid; \$ 0.00

Arms Length Sale: NO Rcpt: C-10162014-24

Transfer Fee Paid: \$ 0.50 Fee Paid by: CASH

Inst #: 668720

Exempt Code: A

Check #:

mark a Parke

Cuyahoga County Fiscal Officer

#### WARRALLINEED

KNOW ALL MEN BY THESE PRESENTS THAT: Emma Cherry, Single, the Grantor(s) herein, in consideration of the sum of One Thousand, One Hundred Dollars (\$1,100.00), to be paid by the Northeast Ohio Regional Sewer District, a regional sewer district organized and existing as a political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. 27-14, adopted by its Board of Trustees on 2/6/2014, does hereby grant, bargain, sell, convey and release, with general warranty covenants, to the Northeast Ohio Regional Sewer District and its successors and assigns, the Grantee herein, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 124-18-013

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF Prior Instrument Reference: Volume 89-4871, Page 54, Cuyahoga County Recorder's Office.

And the said Grantor(s), for herself and her successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that she is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations;

and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant
and defend the same against all claims of all persons whomsoever.
IN WITNESS WHEREOF Emma Cherry has hereunto set her hand on the 16 day of 2014.
Emma Cherry, Single
STATE OF OHIO, COUNTY OF CUYAHOGA SS:  BE IT REMEMBERED that on the 16 day of 0 ctober, 2014,
before me the subscriber, a Notary Public in and for said state and county, personally came the
above named Emma Cherry, who acknowledged the foregoing instrument to be her voluntary act
and deed.
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official
seal on the day and year last aforesaid.
NOTARY PUBLIC My Commission expires:    Lain Crouch   Resident Summit County   Notary Public, State of Ohio   My Commission Expires: 11-30-2014

Page 1 of 1 Rev. 06/09

# PARCEL 124-18-013 ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE

THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, A REGIONAL SEWER DISTRICT ORGANIZED AND EXISTING AS A POLITICAL SUBDIVISION OF THE STATE OF OHIO UNDER CHAPTER 6119 OF THE OHIO REVISED CODE

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter)

#### [Surveyor's description of the premises follows]

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as Sub Lot No. 12 in F. Nicola and W. E. Judson's Re-Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 64<sup>th</sup> Place, formerly Beaver Court, 123.45 feet deep on the Northerly line, 123.794 feet deep on the Southerly line and 35 feet wide in the rear, as appears by said plat. All parcels being the same more or less, but subject to all legal highways.

Also known as a single house at 2715 East 64th Place.

DEC 1 0 2015

#### IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY OHIO PROBATE DIVISION

RECEIVED FOR FILING

NORTHEAST OHIO REGIONAL SEWER DISTRICT 3900 Euclid Ave. Cleveland, Ohio 44115

Plaintiff,

-VS-

JOE COOPER 3693 Langton Road Cleveland Heights, OH 44121

and

PATRICIA GREGORY 3693 Langton Road Cleveland Heights, OH 44121

and

FAITH COMMUNITY CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

and

UNITED STATES OF AMERICA FEDERAL TAX LIEN c/o UNITED STATES ATTORNEY 801 West Superior Ave., Ste. 400 Cleveland, OH 44113

and

STATE OF OHIO
DEPT. OF TAXATION
c/o OHIO ATTORNEY GENERAL
MIKE DEWINE
Collections Enforcement Section
150 East Gay St., 21st Floor
Columbus, OH 43215

and

NORTHEAST OHIO REGIONAL SEWER DISTRICT 2015ADV212469 JUDGE ANTHONY J. RUSSO

PETITION FOR APPROPRIATION OF PROPERTY

PPNs: 124-18-011, 124-19-023, 124-19-024, 124-19-025

MT. SINAI BAPTIST CHURCH CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

and

W. CHRISTOPHER MURRAY II, as Cuyahoga County Treasurer Cuyahoga County Administrative Headquarters 2079 E. Ninth Street Cleveland, Ohio 44115

and

DENNIS G. KENNEDY, as
Cuyahoga County Fiscal Officer
Cuyahoga County Administrative Headquarters 2079 E. Ninth Street
Cleveland, Ohio 44115

Defendants.

- 1. Plaintiff is a regional sewer district organized and existing under and by virtue of the laws of the State of Ohio, particularly Chapter 6119 of the Ohio Revised Code. The power to appropriate real estate, easements and such rights or interests therein as it deems necessary has been conferred upon Plaintiff by virtue of Section 6119.11 including Section 6119.11(B)(1)(c) of the Ohio Revised Code as amended 09/10/2012.
- 2. Plaintiff states that the Project requiring this action, known as the Woodland Central Green Infrastructure Project, results from a federally imposed consent decree that prohibits future sewer inflows, combined sewer overflows or sewer back-ups and constitutes, therefore, a public exigency in accordance with Ohio Revised Code Section 6119.11(B)(1)(c).
- 3. Plaintiff, by way of application to this Court, files this Petition seeking to appropriate for a public purpose, in accordance with the procedures provided in Chapter 163 of the Ohio Revised Code, the within described real property known as Cuyahoga County Permanent Parcel Nos. 124-18-011, 124-19-023, 124-19-024, and 124-19-025.

- 4. The Board of Trustees of the Northeast Ohio Regional Sewer District passed Resolution No. 250-15 on October 1, 2015, due notice of which was given according to law, to appropriate for public sanitary sewer purposes the real property described in said Resolution. A copy of said Resolution is attached hereto and incorporated in this Complaint, and marked as Exhibit "A."
- 5. Defendants are the owners of record or have an interest in the real property known as Cuyahoga County Permanent Parcel Nos. 124-18-011, 124-19-023, 124-19-024, and 124-19-025.
- 6. Plaintiff says that it is necessary to the Plaintiff's duty to collect and treat wastewater and to comply with the provisions of a federal consent decree that it appropriate the land described in Exhibit "B," attached hereto and made a part hereof (hereinafter the "Premises").
- 7. The requirements of Section 163.05 of the Ohio Revised Code have been met in that the location of the improvement is described on construction drawings available for inspection by appointment at the following location:

Northeast Ohio Regional Sewer District 3900 Euclid Avenue Cleveland, Ohio 44115 (216) 881-6600

- 8. Plaintiff has satisfied the requirements of Section 163.04 of the Ohio Revised Code in that it has attempted to purchase the above described rights from the property owner, has provided a written good faith offer and notice of intent to acquire to the owner, but has been unable to agree on the terms of the conveyance with said owner.
- 9. Pursuant to the provisions of Section 163.06 of the Ohio Revised Code, the District deposited with this Court at the time of the filing of this Complaint the fair market value for the rights sought to be appropriated by the District, and hereby formally declares its intention to obtain possession of the property and enter upon the property appropriated.

- 10. The District retained an independent, State-certified general appraiser who appraised the value of the property interest to be taken as follows: fee simple acquisition totaling Three Hundred Dollars (\$300.00). The original appraisal is attached as Exhibit "C."
- 11. The names and addresses of the owner and persons having an interest therein, as far as can be ascertained, per the attached title report (Exhibit "D") are:

JOE COOPER 3693 Langton Road Cleveland Heights, OH 44121

PATRICIA GREGORY 3693 Langton Road Cleveland Heights, OH 44121

FAITH COMMUNITY CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

UNITED STATES OF AMERICA FEDERAL TAX LIEN c/o UNITED STATES ATTORNEY 801 West Superior Ave., Ste. 400 Cleveland, OH 44113

STATE OF OHIO
DEPT. OF TAXATION
c/o OHIO ATTORNEY GENERAL
MIKE DEWINE
Collections Enforcement Section
150 East Gay St., 21<sup>st</sup> Floor
Columbus, OH 43215

MT. SINAI BAPTIST CHURCH CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

W. CHRISTOPHER MURRAY II, as Cuyahoga County Treasurer Cuyahoga County Administrative Headquarters 2079 E. Ninth Street Cleveland, Ohio 44115

DENNIS G. KENNEDY, as Cuyahoga County Fiscal Officer Cuyahoga County Administrative Headquarters 2079 E. Ninth Street

#### Cleveland, Ohio 44115

12. In accordance with Section 163.05 of the Ohio Revised Code, Plaintiff has made available to the owners, where applicable, a description of the nature of the improvements to be constructed.

WHEREFORE, Plaintiff, Northeast Ohio Regional Sewer District, prays:

- 1. For the appropriation of the fee simple interest of PPNs 124-18-011, 124-19-023, 124-19-024, and 124-19-025 as set forth above;
- 2. That upon the failure of the owners to file a timely answer pursuant to Section 163.09 of the Revised Code of Ohio, this Court declares the value of the fee simple acquisition to be in the sum of Three Hundred Dollars (\$300.00);
- 3. That this Court may cause a jury to be impaneled to make inquiry into and assess compensation to be paid by the Plaintiff for the fee simple interest to the real property above described;
- 4. That upon deposit of the fair market value, title to said Premises be awarded to the Plaintiff, Northeast Ohio Regional Sewer District, according to law, and an order entered to such effect upon the record;
- 5. That this Court find that the Plaintiff, Northeast Ohio Regional Sewer District, has complied with all the requirements of Ohio Revised Code Sections 6119.11(B)(1)(c) and 163.01, et seq., and is entitled to appropriate the subject property and to exercise its right of quick take;
- 6. That this Court cause new parties to be added and direct such future notice to be given to a party in interest as the Court deems proper; and

7. That this Court order the Clerk of Court to certify to the Cuyahoga County Fiscal Officer all or such portion of the final judgment that may be necessary to show the rights herein appropriated.

Respectfully submitted,

MARLENE SUNDHEIMER (0007150) Chief Legal Officer

BY:

JULIE A. BLAIR (0077696)
Assistant General Counsel
Northeast Ohio Regional Sewer District
3900 Euclid Avenue

Cleveland, Ohio 44115

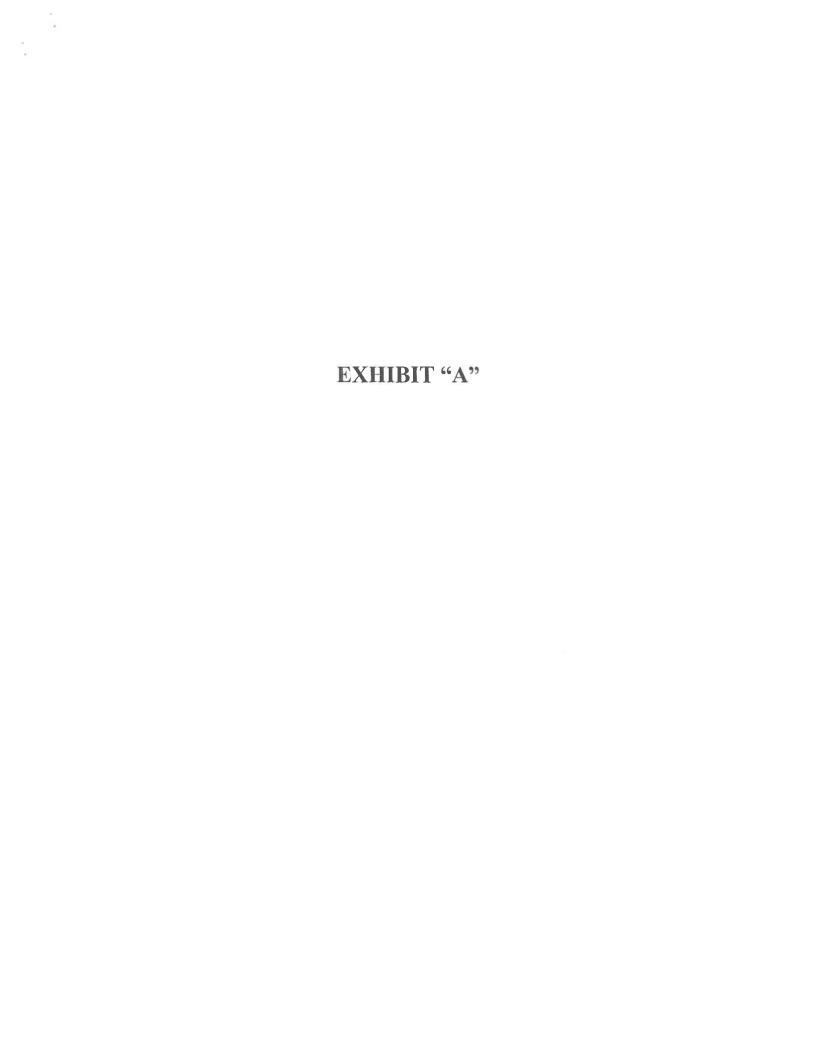
(216) 881-6600

(216) 881-4407 Fax

blairi@neorsd.org

ATTORNEY FOR PLAINTIFF, NORTHEAST OHIO REGIONAL SEWER

DISTRICT



## NORTHEAST OHIO REGIONAL SEWER DISTRICT RESOLUTION NO. 250-15

Declaring the intent of the Northeast Ohio Regional Sewer District to appropriate five (5) real property parcels, known as Cuyahoga County Fiscal Officer's Permanent Parcel Nos. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate, and 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper, which are necessary for construction of the Woodland Central Green Infrastructure Project and to provide for the consideration determined by the fair market value to be deposited with the Cuyahoga County Probate Court and to authorize the filing of a request with the Cuyahoga County Probate Court for immediate possession.

WHEREAS, it is necessary to obtain five (5) real property parcels for construction of the Woodland Central Green Infrastructure Project, known as Cuyahoga County Fiscal Officer's Permanent Parcel Nos. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate, and 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper; and

WHEREAS, the owner of the real property, Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Joe Cooper, and the District have been unable to negotiate an agreement concerning the terms of sale of the said real property to the District and it will, therefore, be necessary to institute legal action to appropriate the required property interest pursuant to Section 6119.11 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

Section 1. That this Board finds that the construction of the Woodland Central Green Infrastructure Project is a necessary and proper public improvement in that said project will further the District's stated objective of pollution abatement within the boundaries of the Northeast Ohio Regional Sewer District and that said project is required as a result of the federally imposed consent decree that prohibits future sewer inflows, combined sewer overflows or sewer back-ups.

Section 2. That this Board finds that it is necessary for the protection of the public health and welfare to appropriate property in order to implement construction of the Woodland Central Green Infrastructure Project.

Section 3. That this Board finds that in order to implement construction of the Woodland Central Green Infrastructure Project it is necessary to purchase the entirety of five (5) real property parcels, known as Cuyahoga County Fiscal Officer's Permanent Parcel Nos. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate, and 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper.

Section 4. That this Board finds that the assessed fair market value of said acquisitions is Three Hundred Dollars (\$300.00) for Cuyahoga County Fiscal Officer's Permanent Parcel No. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Three Hundred Dollars (\$300.00) for PPNs 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper.

Section 5. That this Board determines that the owners of the real property, Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Joe Cooper, and the District have been unable to negotiate an agreement concerning the terms of sale of said real property to the District.

Section 6. That this Board hereby deems it necessary and declares its intentions to appropriate the real property referred to in the preamble hereof for the purpose of constructing the Woodland Central Green Infrastructure Project.

Section 7. That this Board finds that it is necessary to provide for the consideration determined by the fair market value in the amount of Three Hundred Dollars (\$300.00) for Cuyahoga County Fiscal Officer's Permanent Parcel No. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Three Hundred Dollars (\$300.00) for PPNs 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper, to be deposited with the Cuyahoga County Probate Court in order that possession may be immediately taken.

Section 8. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mr. O'Malley, seconded by Ms. Dumas, the foregoing resolution was unanimously adopted on October 1, 2015.

Walter O'Malley, Secretary

Board of Trustees

Northeast Ohio Regional Sewer District



Rev. 06/09

# PARCEL 3, 5, 6, 7 ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE

THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, A REGIONAL SEWER DISTRICT ORGANIZED AND EXISTING AS A POLITICAL SUBDIVISION OF THE STATE OF OHIO UNDER CHAPTER 6119 OF THE OHIO REVISED CODE

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter)

#### [Surveyor's description of the premises follows]

#### Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 130 feet of the Northwesterly 40 feet of Sublot No. 40 in Nicola and Judson's Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Northeasterly side of Kinsman Road, S.E. and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

#### Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 41 and part of Sublots Nos. 40, 42, and 49 in Nicola and Judson's Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows: Beginning at the intersection of the Northwesterly line of Grand Avenue, S.E. with the Northeasterly line of Kinsman Road, S.E.; thence Northwesterly along said Northeasterly line of Kinsman Road, S.W., 86.81 feet to the most Southerly corner of land conveyed to Emma L. Conlon by deed dated January 22, 1908 and recorded in Volume 1068, Page 438 of Cuyahoga County Records; thence Northeasterly along the Southeasterly line of land so conveyed to Emma L. Conlon 130 feet to the most Easterly corner thereof; thence Northwesterly along the Northeasterly line of said land conveyed to Emma L. Conlon to a point in the Northwesterly line of Sublot No. 40 distant 130 feet from the Northeasterly line of Kinsman Road, S.E.; thence Northeasterly along the Northwesterly line of Sublots Nos. 40 and 49, 104.17 feet to the Northwesterly corner of Sublot No. 49; thence Easterly along the Northerly line of said Sublot No. 49 to the Northwesterly corner of land conveyed to the City of Cleveland by deed dated October 7, 1912 and recorded in Volume 1416, Page 497 of Cuyahoga County Records; thence Southwesterly along the Northwesterly line of land so conveyed to the City of Cleveland being also the Northwesterly line of East 64th Place as now established to the Southwesterly corner thereof; thence continuing Southwesterly along the Northwesterly line of Grand Avenue, S.E. to the place of beginning, be the same more or less, but subject to all legal highways.

#### Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 13 in the Nicola and Judson's Re-Subdivision of part of Original One-Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records, and being 30.30 feet front on the Westerly side of East 64<sup>th</sup> Street, (formerly Beaver Court), and extending back 128.73 feet deep on the Northerly line, 151.20 feet deep on the Southerly line, and having a rear line of 37.73 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

#### Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 49 in Nicola & Judson Subdivision of part of Original 100 Acre Lot No. 328, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southeasterly line of East 64<sup>th</sup> Place, as now established, (30 feet wide), said Southeasterly line being also the southeasterly line of land conveyed to The City of Cleveland, by deed dated October 7, 1912 and recorded in Volume 1416, Page 497 of Cuyahoga County Records, at the Northwesterly corner of land conveyed to Rose Rudnick by deed dated January 9, 1964 and recorded in Volume 11102, Page 615 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Rose Rudnick, 145.87 feet to the Easterly line of said Original Lot No. 428; thence Northerly along the Easterly line of said Original Lot No. 428, 43 feet to the southeasterly corner of Sublot No. 14 in Nicola and Judson's ReSubdivision as shown by the recorded plat in Volume 13 of Maps, Page 9 of Cuyahoga County Records; thence Westerly along the Southerly line of said Sublot No. 14, 124.138 feet to the Northeasterly corner of land conveyed to The City of Cleveland, as aforesaid; thence Southwesterly along the Southeasterly line of land so conveyed to The City of Cleveland, 0.38 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

And known as permanent parcels numbers: 124-19-023, 124-19-024, 124-19-025, and 124-18-011

#### PROBATE COURT CUYATOGA STY., O

1 0 2015

#### RECEIVED FOR FILING

#### IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY OHIO PROBATE DIVISION

NORTHEAST OHIO REGIONAL SEWER DISTRICT 3900 Euclid Ave. Cleveland, Ohio 44115

Plaintiff,

-VS-

JOE COOPER 3693 Langton Road Cleveland Heights, OH 44121

and

PATRICIA GREGORY 3693 Langton Road Cleveland Heights, OH 44121

and

CURTIS L. COOPER 3565 E. 113<sup>th</sup> St. Cleveland, OH 44105

and

JOSEPH A. COOPER 19405 Gladstone Beachwood, OH 44122

and

ARNOLD WORLEY 3487 W. 58<sup>th</sup> St. Cleveland, OH 44102

and

REGGINAL WORLEY 3487 W. 58<sup>th</sup> St. Cleveland, OH 44102

and

NORTHEAST OHIO REGIONAL SEWER DISTRICT 2015ADV212470 JUDGE ANTHONY J. RUSSO

PETITION FOR APPROPRIATION OF PROPERTY

PPNs: 124-18-071

FAITH COMMUNITY CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

and

UNITED STATES OF AMERICA FEDERAL TAX LIEN c/o UNITED STATES ATTORNEY 801 West Superior Ave., Ste. 400 Cleveland, OH 44113

and

STATE OF OHIO
DEPT. OF TAXATION
c/o OHIO ATTORNEY GENERAL
MIKE DEWINE
Collections Enforcement Section
150 East Gay St., 21<sup>st</sup> Floor
Columbus, OH 43215

and

MT. SINAI BAPTIST CHURCH CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

and

ARROW UNIFORM RENTAL, INC. 1450 Granger Road Cleveland, OH 44131

and

W. CHRISTOPHER MURRAY II, as Cuyahoga County Treasurer Cuyahoga County Administrative Headquarters 2079 E. Ninth Street Cleveland, Ohio 44115

and

DENNIS G. KENNEDY, as
Cuyahoga County Fiscal Officer
Cuyahoga County Administrative Headquarters
2079 E. Ninth Street
Cleveland, Ohio 44115

and

# UNKNOWN SPOUSES OF DEFENDANTS ) Defendants.

- 1. Plaintiff is a regional sewer district organized and existing under and by virtue of the laws of the State of Ohio, particularly Chapter 6119 of the Ohio Revised Code. The power to appropriate real estate, easements and such rights or interests therein as it deems necessary has been conferred upon Plaintiff by virtue of Section 6119.11 including Section 6119.11(B)(1)(c) of the Ohio Revised Code as amended 09/10/2012.
- 2. Plaintiff states that the Project requiring this action, known as the Woodland Central Green Infrastructure Project, results from a federally imposed consent decree that prohibits future sewer inflows, combined sewer overflows or sewer back-ups and constitutes, therefore, a public exigency in accordance with Ohio Revised Code Section 6119.11(B)(1)(c).
- 3. Plaintiff, by way of application to this Court, files this Petition seeking to appropriate for a public purpose, in accordance with the procedures provided in Chapter 163 of the Ohio Revised Code, the within described real property known as Cuyahoga County Permanent Parcel No. 124-18-071.
- 4. The Board of Trustees of the Northeast Ohio Regional Sewer District passed Resolution No. 250-15 on October 1, 2015, due notice of which was given according to law, to appropriate for public sanitary sewer purposes the real property described in said Resolution. A copy of said Resolution is attached hereto and incorporated in this Complaint, and marked as Exhibit "A."
- 5. Defendants are the owners of record or have an interest in the real property known as Cuyahoga County Permanent Parcel No. 124-18-071.
- 6. Plaintiff says that it is necessary to the Plaintiff's duty to collect and treat wastewater and to comply with the provisions of a federal consent decree that it appropriate the land described in Exhibit "B," attached hereto and made a part hereof (hereinafter the

"Premises").

7. The requirements of Section 163.05 of the Ohio Revised Code have been met in that the location of the improvement is described on construction drawings available for inspection by appointment at the following location:

Northeast Ohio Regional Sewer District 3900 Euclid Avenue Cleveland, Ohio 44115 (216) 881-6600

- 8. Plaintiff has satisfied the requirements of Section 163.04 of the Ohio Revised Code in that it has attempted to purchase the above described rights from the property owner, has provided a written good faith offer and notice of intent to acquire to the owner, but has been unable to agree on the terms of the conveyance with said owner.
- 9. Pursuant to the provisions of Section 163.06 of the Ohio Revised Code, the District deposited with this Court at the time of the filing of this Complaint the fair market value for the rights sought to be appropriated by the District, and hereby formally declares its intention to obtain possession of the property and enter upon the property appropriated.
- 10. The District retained an independent, State-certified general appraiser who appraised the value of the property interest to be taken as follows: fee simple acquisition totaling Three Hundred Dollars (\$300.00). The original appraisal is attached as Exhibit "C."
- 11. The names and addresses of the owner and persons having an interest therein, as far as can be ascertained, per the attached title report (Exhibit "D") are:

JOE COOPER 3693 Langton Road Cleveland Heights, OH 44121

PATRICIA GREGORY 3693 Langton Road Cleveland Heights, OH 44121

CURTIS L. COOPER 3565 E. 113<sup>th</sup> St. Cleveland, OH 44105

JOSEPH A. COOPER 19405 Gladstone Beachwood, OH 44122

ARNOLD WORLEY 3487 W. 58<sup>th</sup> St. Cleveland, OH 44102

REGGINAL WORLEY 3487 W. 58<sup>th</sup> St. Cleveland, OH 44102

FAITH COMMUNITY CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

UNITED STATES OF AMERICA FEDERAL TAX LIEN c/o UNITED STATES ATTORNEY 801 West Superior Ave., Ste. 400 Cleveland, OH 44113

STATE OF OHIO
DEPT. OF TAXATION
c/o OHIO ATTORNEY GENERAL
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150 East Gay St., 21<sup>st</sup> Floor
Columbus, OH 43215

MT. SINAI BAPTIST CHURCH CREDIT UNION 7510 Woodland Ave. Cleveland, OH 44104

ARROW UNIFORM RENTAL, INC. 1450 Granger Road Cleveland, OH 44131

W. CHRISTOPHER MURRAY II, as Cuyahoga County Treasurer Cuyahoga County Administrative Headquarters 2079 E. Ninth Street Cleveland, Ohio 44115 DENNIS G. KENNEDY, as Cuyahoga County Fiscal Officer Cuyahoga County Administrative Headquarters 2079 E. Ninth Street Cleveland, Ohio 44115

and

#### UNKNOWN SPOUSES OF DEFENDANTS

12. In accordance with Section 163.05 of the Ohio Revised Code, Plaintiff has made available to the owners, where applicable, a description of the nature of the improvements to be constructed.

WHEREFORE, Plaintiff, Northeast Ohio Regional Sewer District, prays:

- 1. For the appropriation of the fee simple interest of PPN 124-18-071, as set forth above;
- 2. That upon the failure of the owners to file a timely answer pursuant to Section 163.09 of the Revised Code of Ohio, this Court declares the value of the fee simple acquisition to be in the sum of Three Hundred Dollars (\$300.00);
- 3. That this Court may cause a jury to be impaneled to make inquiry into and assess compensation to be paid by the Plaintiff for the fee simple interest to the real property above described;
- 4. That upon deposit of the fair market value, title to said Premises be awarded to the Plaintiff, Northeast Ohio Regional Sewer District, according to law, and an order entered to such effect upon the record;
- 5. That this Court find that the Plaintiff, Northeast Ohio Regional Sewer District, has complied with all the requirements of Ohio Revised Code Sections 6119.11(B)(1)(c) and 163.01, et seq., and is entitled to appropriate the subject property and to exercise its right of quick take;
  - 6. That this Court cause new parties to be added and direct such future notice to be

given to a party in interest as the Court deems proper; and

7. That this Court order the Clerk of Court to certify to the Cuyahoga County Fiscal Officer all or such portion of the final judgment that may be necessary to show the rights herein appropriated.

Respectfully submitted,

**MARLENE SUNDHEIMER (0007150)** Chief Legal Officer

BY:

JULIE A. BLAIR (0077696)
Assistant General Counsel
Northeast Ohio Regional Sewer District
3900 Euclid Avenue

Cleveland, Ohio 44115

(216) 881-6600

(216) 881-4407 Fax

blairi@neorsd.org

ATTORNEY FOR PLAINTIFF, NORTHEAST OHIO REGIONAL SEWER

DISTRICT



### NORTHEAST OHIO REGIONAL SEWER DISTRICT RESOLUTION NO. 250-15

Declaring the intent of the Northeast Ohio Regional Sewer District to appropriate five (5) real property parcels, known as Cuyahoga County Fiscal Officer's Permanent Parcel Nos. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate, and 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper, which are necessary for construction of the Woodland Central Green Infrastructure Project and to provide for the consideration determined by the fair market value to be deposited with the Cuyahoga County Probate Court and to authorize the filing of a request with the Cuyahoga County Probate Court for immediate possession.

WHEREAS, it is necessary to obtain five (5) real property parcels for construction of the Woodland Central Green Infrastructure Project, known as Cuyahoga County Fiscal Officer's Permanent Parcel Nos. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate, and 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper; and

WHEREAS, the owner of the real property, Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Joe Cooper, and the District have been unable to negotiate an agreement concerning the terms of sale of the said real property to the District and it will, therefore, be necessary to institute legal action to appropriate the required property interest pursuant to Section 6119.11 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

Section 1. That this Board finds that the construction of the Woodland Central Green Infrastructure Project is a necessary and proper public improvement in that said project will further the District's stated objective of pollution abatement within the boundaries of the Northeast Ohio Regional Sewer District and that said project is required as a result of the federally imposed consent decree that prohibits future sewer inflows, combined sewer overflows or sewer back-ups.

Section 2. That this Board finds that it is necessary for the protection of the public health and welfare to appropriate property in order to implement construction of the Woodland Central Green Infrastructure Project.

Section 3. That this Board finds that in order to implement construction of the Woodland Central Green Infrastructure Project it is necessary to purchase the entirety of five (5) real property parcels, known as Cuyahoga County Fiscal Officer's Permanent Parcel Nos. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate, and 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper.

Section 4. That this Board finds that the assessed fair market value of said acquisitions is Three Hundred Dollars (\$300.00) for Cuyahoga County Fiscal Officer's Permanent Parcel No. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Three Hundred Dollars (\$300.00) for PPNs 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper.

Section 5. That this Board determines that the owners of the real property, Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Joe Cooper, and the District have been unable to negotiate an agreement concerning the terms of sale of said real property to the District.

Section 6. That this Board hereby deems it necessary and declares its intentions to appropriate the real property referred to in the preamble hereof for the purpose of constructing the Woodland Central Green Infrastructure Project.

Section 7. That this Board finds that it is necessary to provide for the consideration determined by the fair market value in the amount of Three Hundred Dollars (\$300.00) for Cuyahoga County Fiscal Officer's Permanent Parcel No. 124-18-071, owned by Curtis L. Cooper, Joseph A. Cooper, Arnold Worley, Regginal Worley and Joe Cooper Life Estate and Three Hundred Dollars (\$300.00) for PPNs 124-18-011, 124-19-023, 124-19-024, 124-19-025, owned by Joe Cooper, to be deposited with the Cuyahoga County Probate Court in order that possession may be immediately taken.

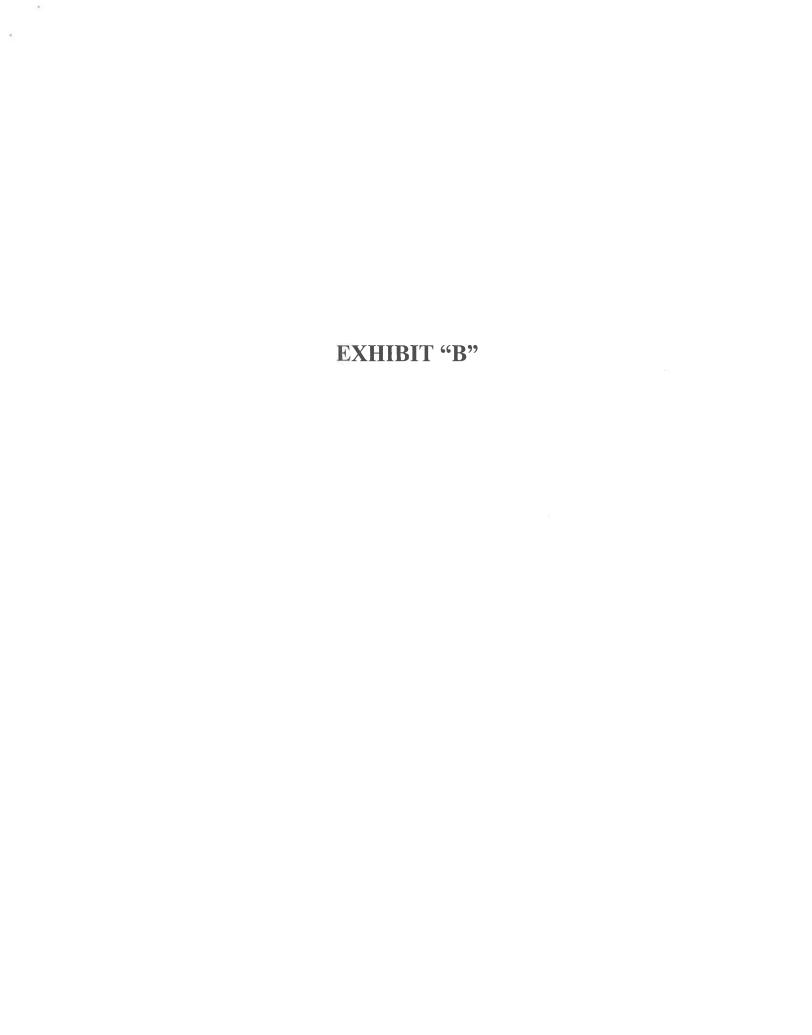
Section 8. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mr. O'Malley, seconded by Ms. Dumas, the foregoing resolution was unanimously adopted on October 1, 2015.

Walter O'Malley, Secretary

**Board of Trustees** 

Northeast Ohio Regional Sewer District



Rev. 06/09

#### PARCEL 4

# ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE

THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, A REGIONAL SEWER DISTRICT ORGANIZED AND EXISTING AS A POLITICAL SUBDIVISION OF THE STATE OF OHIO UNDER CHAPTER 6119 OF THE OHIO REVISED CODE

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter)

[Surveyor's description of the premises follows]

Cleveland

County of Cuyahoga

and State of Ohio:

and known as being part of Sublots Nos. 43, 44, 45 and 49 in Nicola and Judson Subdivision of part of Original One Hundred Acre Lot No. 328, as shown by the recorded plat in Volume 5 of Maps, Page 5 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Grand Avenue S.E., at its intersection with the Easterly line of said Original Lot No. 328; thence Westerly along the Northerly line of Grand Avenue S.E., about 256.33 feet to the Southeasterly line of East 64th Place, as now established 30 feet wide; thonce Northeasterly along the Southeasterly line of East 64th Place, to its intersection with the Southerly line of land conveyed to Alois Prochaska and Mary Prochaska by deed dated May 22, 1905, and recorded in Volume 965, Page 624 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Alois Prochaska and Mary Prochaska 145.87 feet to the Easterly line of said Original Lot No. 328; thence Southerly along the Easterly line of said Original Lot No. 328, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Threshold Criteria
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

## APPENDIX B COST SHARE DOCUMENTATION



November 30, 2015

Mr. Matthew Didier
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Mail Code SE-7J
Chicago, Illinois 60604-3507

RE: Cost Share for Brownfields Cleanup Grant Application
Woodland/Central West Basin Green Infrastructure Project – Cooper Property

Cleveland, Cuyahoga County, Ohio

Dear Mr. Didier:

As part of the Northeast Ohio Regional Sewer District (the "District") application for a FY16 Brownfields Cleanup Grant for the Woodland/Central West Basin Green Infrastructure Project — Cooper Property located in the Central neighborhood in the City of Cleveland, Cuyahoga County, Ohio, the District presents the following information regarding the cost share requirement. The District will provide the required 20% cost share (totaling \$40,000) in the form of money to fund the proposed cleanup at the Cooper Property. The overall project budget for the proposed cleanup activities at the Cooper Property is \$407,925, which exceeds the amount that would be provided by the Brownfields Cleanup Grant (\$200,000). The District's funding for this project will come from its Capital Improvement Plan (CIP) Budget, which is funded through a combination of Bonds, sewer rate revenue and Ohio EPA Water Pollution Control Loan Fund (WPCLF). The District's draft CIP budget for 2016 is \$220M.

The Cooper Property is part of the larger Woodland/Central West Basin Green Infrastructure Project. The District has leveraged more than \$500,000 of its own funds for assessment and preliminary design services for this project. The District also leveraged Brownfield Assessment funds from the Cuyahoga County Department of Development in 2013 for Limited Phase II Environmental Site Assessment work at the Woodland/Central West Basin GI site. The estimated design and construction administration costs are approximately \$1,900,000 and the estimated construction cost (excluding cleanup costs) is approximately \$6,300,000 for this Project overall. The larger project encompasses a total of 31 parcels and associated abandoned or to be vacated public right-of-way that were all impacted by the illegal operation of the junk/salvage yard and are consequently contaminated with hazardous substances and solid waste.

November 30, 2015

The District has secured federal funding in the form of two (2) USEPA Brownfield Cleanup Grants in FY15 for the cleanup of parcels immediately adjacent to the Cooper Property and a part of the larger Woodland/Central West Basin GI Project site (\$400,000). Therefore, the District has already committed to provide a 20% cost share for these grants (\$80,000) in addition to the \$40,000 cost share commitment for the Cooper Property. The overall budget for the cleanup activities is approximately \$1.5 M. The District has voluntarily committed to spend at least \$727,500 to cleanup the parcels that are the subject of the FY15 Brownfields Cleanup Grants in preparation for the Woodland/Central West Basin Green Infrastructure Project.

The District has a strong track record of successfully leveraging funds to meet financial needs of all stages of Brownfields redevelopment. The District has already leveraged significant funding for the assessment, design, real estate acquisition and cleanup of distressed and underutilized property throughout the District's Service Area as part of their CIP. For example, in 2015 the District voluntarily funded the redevelopment of a Brownfields site in Cleveland into the Urban Agriculture Green Infrastructure Site, which includes four (4) stormwater control features, an outdoor education center and associated appurtenances in the amount of \$6,369,723.

This green infrastructure redevelopment project serves as an integral part of the District's sustainable development strategy to address combined sewer overflows and is an effort to help spark the transformation of this blighted area into a community supported project that highlights stormwater management and the improvement of water quality.

Thank you in advance for your time and consideration.

Sincerely,

**Chief Executive Officer** 

cc: Ms. Robin Halperin, *Northeast Ohio Regional Sewer District*Ms. Lindsey Polichuk, *Northeast Ohio Regional Sewer District*Mr. John Garvey, *Partners Environmental Consulting, Inc.* 

Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

#### ATTACHMENT B LETTER FROM THE STATE ENVIRONMENTAL AUTHORITY



November 18, 2015

U.S. Environmental Protection Agency, Region 5 ATTN: Matthew Didier 77 West Jackson Blvd., Mail Code SE-7J Chicago, IL 60604-3507

RE: Northeast Ohio Regional Sewer District Cleanup Grant Proposal

Dear Mr. Didier:

I am pleased to offer Ohio EPA's support for the Northeast Ohio Regional Sewer District Cleanup Grant Proposal. The District is applying for a cleanup grant totaling \$200,000 to address hazardous substance contamination. We have worked with the Northeast Ohio Regional Sewer District in the past and hope to be able to provide support to the District under the Assessment, Cleanup and Revolving Loan Fund Grant program established by the Small Business Liability Relief and Brownfield Revitalization Act (P.L. 107-118).

The funding the Northeast Ohio Regional Sewer District is requesting under their cleanup grant proposal will be used to cleanup several parcels associated with its Woodland/Central West Basin Green Infrastructure Project. Specifically, this grant would be used at the Cooper Property, which is comprised of 19 parcels, 14 of which are owned by the District and five (5) of which are owned by a private individual, Joe Cooper. The District has entered into a Consent Decree with the U.S. EPA to remedy the combined sewer overflow (CSO) problem in Cleveland. When the District identified the Cooper Property as potentially suitable for the development of a green infrastructure system, the potential for a beneficial and sustainable reuse of this Property was illuminated. However, without additional sources of funding, redevelopment of this site would be cost prohibitive due to the extensive hazardous substance contamination.

We look forward to working with the Northeast Ohio Regional Sewer District and U.S. EPA on this project. If you have any questions, please do not hesitate to contact me at 614-644-2285.

Sincerely

Amy Yersavich, Manager

Ohio Environmental Protection Agency

Site Assistance and Brownfield Revitalization

cc: Julius Ciaccia, Chief Executive Officer, Northeast Ohio Regional Sewer District Rod Beals, Ohio EPA, DERR/NEDO

Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

# ATTACHMENT C LETTERS OF COMMITMENT FROM COMMUNITY ORGANIZATIONS

Bridgeport Place 7201 Kinsman Rd., Ste. 104 Cleveland, Ohio 44104 216.341.1455 • Fax 216.341.2683 www.bbcdevelopment.org

November 16, 2015

Mr. Julius Ciaccia Chief Executive Officer Northeast Ohio Regional Sewer District 3900 Euclid Avenue Cleveland. Ohio 44115

RE:

Support for and Commitment to the Northeast Ohio Regional Sewer District's Woodland/Central West Basin Green Infrastructure Project and Pursuit of a FY2016 U.S. EPA Brownfields Cleanup Grant

Dear Mr. Ciaccia,

This letter expresses Burten, Bell, Carr Development, Inc.'s strong support for and commitment to assisting with planning and implementation of the Northeast Ohio Regional Sewer District's (Sewer District) FY2016 United States Environmental Protection Agency (U.S. EPA) Brownfields Cleanup Grant applications for the Woodland/Central West Basin Green Infrastructure Project's Cooper Property.

The assistance provided by the Cleanup grant will enable the remediation of a vacant, blighted and contaminated illegal dump site in the Central neighborhood of the City of Cleveland, rendering the site safe for development of a green infrastructure system, an innovative sustainable development approach to stormwater management.

The Sewer District has entered into a Consent Decree with the U.S. EPA to remedy the combined sewer overflow (CSO) problem. When the Sewer District identified this site as potentially suitable for the development of a green infrastructure system, the potential for a beneficial and sustainable reuse of the site was illuminated. The extent of contamination present at this site and the identification of a sustainable development strategy is why this Brownfields Cleanup Grant funding is so crucial.

The successful redevelopment of the Cooper Property is critical to the future of both the community and the Sewer District's proposed sustainable development project. As such, Burten, Bell, Carr Development, Inc. will primarily assist the Sewer District by continuing to provide input and technical assistance in the planning and design of the project and sharing information with and engage residents and stakeholders, especially those in proximity to the site. We are also willing and able to help coordinate and plan community meetings related to the project.

As the nonprofit community development corporation serving the neighborhood in which the proposed project is located, Burten, Bell, Carr Development, Inc.'s mission is to empower citizens, and revitalize blighted and underserved communities. The proposed project aligns with our mission and would positively impact our neighborhoods in a myriad of ways, including, but not limited to, eradicating a major blighting influence on the surrounding neighborhood, encouraging reinvestment and redevelopment, preserving and protecting nearby assets, and increasing the overall appeal and attractiveness of the community.

We strongly support the Sewer District's grant application and are committed to assisting in the planning and implementation of the Cleanup project if the grant is awarded. We hope the U.S. EPA will seize this opportunity to work with and assist the Sewer District. The Cleanup grant would represent a significant step toward redevelopment of the site for green infrastructure and greenspace. Thank you for your

consideration of the Sewer District's Brownfields Cleanup Grant application.

Sincerely,

Timothy A. Trancle Executive Director



#### Working for Healthy Homes, Communities, & Climate

3500 Lorain Ave., #300 Cleveland, Ohio 44113

(216)961-4646 (p) (216)961-7179 (f) www.ehw.org



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- Will Allen, founder and CEO of Growing Power Inc.
- Harrlet Applegate, Executive
   Secretary- North Coast AFL-CIO
- David Beach Director, Green City
   Blue Lake
- Greg Brown, Executive Director-Policy Bridge
- Phyllis Cleveland, Majority Leader-Cleveland City Council
- Dorr G. Dearborn, PhD, MD Mary Ann Swetland Professor and Chair, -Dept. of Environmental Health Sciences
- Mike Foley, Director Cuyahoga County Department of Sustainability
- Sumita B. Khatri, MD MS, Co-Director-- Asthma Center Cleveland Clinic Foundation
- Michele Kilroy, LEED AP, Executive Director - Northeast Ohio Chapter of the US Green Building Coalition
- Mark McDermott ,V.P., Ohio Market Leader-Enterprise Community Partners
- Randy McShepard, Vice President of Public Affairs- RPM International Inc.
- Jim Rokakis, Director-Thriving Communities Institute
- Zach Schiller Policy Matters Ohio
- Michael Skindell, Practicing
   Attorney- Ohio State legislator
- Shanelle Smith, Deputy Director, Cuyahoga County Department of Sustainability

11/30/15

Mr. Julius Ciaccia Chief Executive Officer Northeast Ohio Regional Sewer District 3900 Euclid Avenue Cleveland, Ohio 44115

RE: Support for and Commitment to the Northeast Ohio Regional Sewer District's

Woodland/Central West Basin Green Infrastructure Project and Pursuit of a FY2016 U.S.

**EPA Brownfields Cleanup Grant** 

Dear Mr. Ciaccia,

This letter expresses Environmental Health Watch (EHW) strong support for and commitment to assisting with planning and implementation of the Northeast Ohio Regional Sewer District's (Sewer District) FY2016 United States Environmental Protection Agency (U.S. EPA) Brownfields Cleanup Grant applications for the Woodland/Central West Basin Green Infrastructure Project's Cooper Property.

The assistance provided by the Cleanup grant will enable the remediation of a vacant, blighted and contaminated illegal dump site in the Central neighborhood of the City of Cleveland, rendering the site safe for development of a green infrastructure system, an innovative sustainable development approach to storm water management.

The Sewer District has entered into a Consent Decree with the U.S. EPA to remedy the combined sewer overflow (CSO) problem. When the Sewer District identified this site as potentially suitable for the development of a green infrastructure system, the potential for a beneficial and sustainable reuse of the site was illuminated. The extent of contamination present at this site and the identification of a sustainable development strategy is why this Brownfields Cleanup Grant funding is so crucial.

The successful redevelopment of the Cooper Property is critical to the future of both the community and the Sewer District's proposed sustainable development project. As such, Environmental Health Watch will assist the Sewer District with monthly reporting to the community on project progress, final site tour, and work with and assist the staff outreach coordinator with outreach and communication to the neighborhood as needed.

Since 1980, EHW has played a unique role in NE Ohio, helping the public and policy-makers address critical health concerns related to our urban and industrial environments. The community could benefit greatly if the NEORSD were to receive these grant funds. By partnering to clean up contaminating properties, reducing threats to human health and the environment, creating healthier and more sustainable communities, we are fulfilling part of our mission.

We strongly support the Sewer District's grant application and are committed to assisting in the planning and implementation of the Cleanup project if the grant is awarded. We hope the U.S. EPA will seize this opportunity to work with and assist the Sewer District. The Cleanup grant would represent a significant step toward redevelopment of the site for green infrastructure and green space. Thank you for your consideration of the Sewer District's Brownfields Cleanup Grant application.

Sincerely,

Kimberly Foreman, Executive Director

Environmental Health Watch



November 13, 2015

Mr. Julius Ciaccia, Executive Director Northeast Ohio Regional Sewer District 3900 Euclid Avenue Cleveland, Ohio 44115

RE: Support for and Commitment to the Northeast Ohio Regional Sewer District's Woodland/Central West Basin Green Infrastructure Project and Pursuit of a FY2016 U.S. EPA Brownfields Cleanup Grant

Dear Mr. Ciaccia,

This letter expresses the Opportunity Corridor Partnership's strong support for and commitment to assisting with planning and implementation of the Northeast Ohio Regional Sewer District's (Sewer District) FY2016 United States Environmental Protection Agency (U.S. EPA) Brownfields Cleanup Grant applications for the Woodland/Central West Basin Green Infrastructure Project's Cooper Property.

The assistance provided by the Cleanup grant will enable the remediation of a vacant, blighted and contaminated illegal dump site in the Central neighborhood of the City of Cleveland, rendering the site safe for development of a green infrastructure system, an innovative sustainable development approach to stormwater management.

The Sewer District has entered into a Consent Decree with the U.S. EPA to remedy the combined sewer overflow (CSO) problem. When the Sewer District identified this site as potentially suitable for the development of a green infrastructure system, the potential for a beneficial and sustainable reuse of the site was illuminated. The extent of contamination present at this site and the identification of a sustainable development strategy is why this Brownfields Cleanup Grant funding is so crucial.

The successful redevelopment of the Cooper Property is critical to the future of both the community and the Sewer District's proposed sustainable development project. Therefore, the Opportunity Corridor Partnership will assist the District with conducting outreach to engage local residents and community leaders, including information regarding the cleanup project in organization's printed documents and bulletins, and steering committee meetings.

The Opportunity Corridor Partnership was formed in conjunction with the development of a new \$331 million 3½ mile road being constructed through some of Cleveland's most disadvantaged neighborhoods which have suffered from historic disinvestment. The purpose of the Partnership is to use the road as a catalyst to coordinate a comprehensive group of stakeholders that will achieve transformational economic development and quality of life goals for these neighborhoods. A major obstacle to redevelopment is the many abandoned and contaminated properties in the vicinity of the new road. Clean-up and mitigation of these sites is essential to reaching both the quality of life and economic development goals. With clean, well maintained sites, businesses can be attracted back to these neighborhoods, once again providing jobs, goods and services to local residents.

We strongly support the District's grant application and are committed to assisting in the planning and implementation of the Cleanup projects if the grants are awarded. We hope the U.S. EPA will seize this opportunity to work with and assist this first time grant applicant. The Cleanup grant would represent a significant step toward redevelopment of the Properties for green infrastructure and greenspace. Thank you for your consideration of the District's Brownfields Cleanup Grant applications.

Sincerely,

Marie Kittredge, Executive Director Opportunity Corridor Partnership



November 16, 2015

Mr. Julius Ciaccia Chief Executive Officer, Northeast Ohio Regional Sewer District 3900 Euclid Avenue Cleveland, Ohio 44115

RE: Support for and Commitment to the Northeast Ohio Regional Sewer District's

Woodland/Central West Basin Green Infrastructure Project and Pursuit of a FY2016 U.S.

**EPA Brownfields Cleanup Grant** 

Dear Mr. Ciaccia.

This letter expresses Cuyahoga County Soil Waste Management District's (CCSWMD) strong support for and commitment to assisting with planning and implementation of the Northeast Ohio Regional Sewer District's (Sewer District) FY2016 United States Environmental Protection Agency (U.S. EPA) Brownfields Cleanup Grant applications for the Woodland/Central West Basin Green Infrastructure Project's Cooper Property.

The assistance provided by the Cleanup grant will enable the remediation of a vacant, blighted and contaminated illegal dump site in the Central neighborhood of the City of Cleveland, rendering the site safe for development of a green infrastructure system, an innovative sustainable development approach to stormwater management.

The Sewer District has entered into a Consent Decree with the U.S. EPA to remedy the combined sewer overflow (CSO) problem. When the Sewer District identified this site as potentially suitable for the development of a green infrastructure system, the potential for a beneficial and sustainable reuse of the site was illuminated. The extent of contamination present at this site and the identification of a sustainable development strategy is why this Brownfields Cleanup Grant funding is so crucial.

The successful redevelopment of the Cooper Property is critical to the future of both the community and the Sewer District's proposed sustainable development project. As such, the CCSWMD will assist the District with the selection of the best management practices for solid waste and scrap yard clean-up, public outreach.

The CCSWMD is one of 52 solid waste management districts created by Ohio's counties following the passage of the Ohio Solid Waste Disposal Act in 1988. The District is governed by a Board of Directors and is advised by a Solid Waste Policy Committee which oversees the implementation of the Cuyahoga County Solid Waste Management Plan. The Cuyahoga County Solid Waste Management District works to support environmentally-sustainable and economical solid waste management practices within the communities, institutions and businesses of Cuyahoga County.

We strongly support the Sewer District's grant application and are committed to assisting in the planning and implementation of the Cleanup project if the grant is awarded. We hope the U.S. EPA will seize this opportunity to work with and assist the Sewer District. The Cleanup grant would represent a significant step toward redevelopment of the site for green infrastructure and green space. Thank you for your consideration of the Sewer District's Brownfields Cleanup Grant application.

Sincerely.

Diane Bickett, Executive Director

Cuyahoga County Solid Waste District

Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

## ATTACHMENT D DOCUMENTATION OF COMMITTED LEVERAGED FUNDS



November 30, 2015

Mr. Matthew Didier
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Mail Code SE-7J
Chicago, Illinois 60604-3507

RE: Cost Share for Brownfields Cleanup Grant Application
Woodland/Central West Basin Green Infrastructure Project – Cooper Property

Cleveland, Cuyahoga County, Ohio

Dear Mr. Didier:

As part of the Northeast Ohio Regional Sewer District (the "District") application for a FY16 Brownfields Cleanup Grant for the Woodland/Central West Basin Green Infrastructure Project — Cooper Property located in the Central neighborhood in the City of Cleveland, Cuyahoga County, Ohio, the District presents the following information regarding the cost share requirement. The District will provide the required 20% cost share (totaling \$40,000) in the form of money to fund the proposed cleanup at the Cooper Property. The overall project budget for the proposed cleanup activities at the Cooper Property is \$407,925, which exceeds the amount that would be provided by the Brownfields Cleanup Grant (\$200,000). The District's funding for this project will come from its Capital Improvement Plan (CIP) Budget, which is funded through a combination of Bonds, sewer rate revenue and Ohio EPA Water Pollution Control Loan Fund (WPCLF). The District's draft CIP budget for 2016 is \$220M.

The Cooper Property is part of the larger Woodland/Central West Basin Green Infrastructure Project. The District has leveraged more than \$500,000 of its own funds for assessment and preliminary design services for this project. The District also leveraged Brownfield Assessment funds from the Cuyahoga County Department of Development in 2013 for Limited Phase II Environmental Site Assessment work at the Woodland/Central West Basin GI site. The estimated design and construction administration costs are approximately \$1,900,000 and the estimated construction cost (excluding cleanup costs) is approximately \$6,300,000 for this Project overall. The larger project encompasses a total of 31 parcels and associated abandoned or to be vacated public right-of-way that were all impacted by the illegal operation of the junk/salvage yard and are consequently contaminated with hazardous substances and solid waste.

November 30, 2015

The District has secured federal funding in the form of two (2) USEPA Brownfield Cleanup Grants in FY15 for the cleanup of parcels immediately adjacent to the Cooper Property and a part of the larger Woodland/Central West Basin GI Project site (\$400,000). Therefore, the District has already committed to provide a 20% cost share for these grants (\$80,000) in addition to the \$40,000 cost share commitment for the Cooper Property. The overall budget for the cleanup activities is approximately \$1.5 M. The District has voluntarily committed to spend at least \$727,500 to cleanup the parcels that are the subject of the FY15 Brownfields Cleanup Grants in preparation for the Woodland/Central West Basin Green Infrastructure Project.

The District has a strong track record of successfully leveraging funds to meet financial needs of all stages of Brownfields redevelopment. The District has already leveraged significant funding for the assessment, design, real estate acquisition and cleanup of distressed and underutilized property throughout the District's Service Area as part of their CIP. For example, in 2015 the District voluntarily funded the redevelopment of a Brownfields site in Cleveland into the Urban Agriculture Green Infrastructure Site, which includes four (4) stormwater control features, an outdoor education center and associated appurtenances in the amount of \$6,369,723.

This green infrastructure redevelopment project serves as an integral part of the District's sustainable development strategy to address combined sewer overflows and is an effort to help spark the transformation of this blighted area into a community supported project that highlights stormwater management and the improvement of water quality.

Thank you in advance for your time and consideration.

Sincerely,

**Chief Executive Officer** 

cc: Ms. Robin Halperin, *Northeast Ohio Regional Sewer District*Ms. Lindsey Polichuk, *Northeast Ohio Regional Sewer District*Mr. John Garvey, *Partners Environmental Consulting, Inc.* 

Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

## ATTACHMENT E DOCUMENTATION OF COMMUNITY NOTIFICATION

#### PUBLIC NOTIFICATION DOCUMENTATION

The Plain Dealer – November 29, 2015 (Screenshot of Legal Notice in Classified Section and Copy of Print Ad)

**Postcard Notice** 

Reverse 911 Call Detail Reports - December 1 & 8, 2015

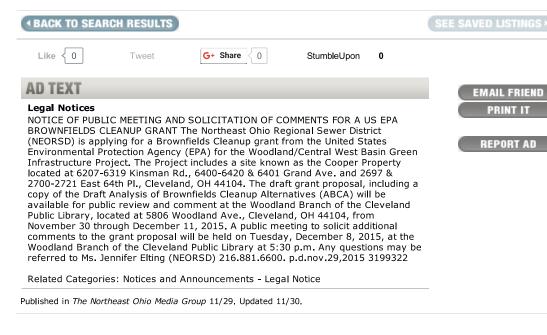
Informational Flyer Distributed by BBC

Library Verification of Receipt of Draft Application – November 30, 2015

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A NOTICE OF PUBLIC MEETING

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#### A PUBLIC MEETING TO DISCUSS

U.S. EPA BROWNFIELD CLEANUP GRANT APPLICATION FOR THE NORTHEAST OHIO REGIONAL SEWER DISTRICT'S

## Woodland/Central West Basin Green Infrastructure Project



#### Tuesday, December 8 at 5:30 p.m.

Cleveland Public Library, Woodland Branch 5806 Woodland Avenue, Cleveland 44104

The Sewer District will apply for a grant from the U.S. Environmental Protection Agency to clean up contaminated property at 6207-6319 Kinsman Road, 6400-6420 & 6401 Grand Avenue, and 2697 & 2700-2721 East 65th Street in Cleveland.

The draft grant application will be available for review and public comment at the Woodland Branch of the Cleveland Public Library between 11/30 and 12/11.

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### **PUBLIC MEETING**Tuesday, December 8

Cleveland Public Library Woodland Branch 5806 Woodland Avenue Cleveland 44104

Please join us to learn more about the Sewer District's grant application and future plans for this site.

#### **Questions?**

Contact Jennifer Elting 216.881.6600 x6435 or eltingj@neorsd.org

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### A PUBLIC MEETING TO DISCUSS

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### QUESTIONS?

Contact Jennifer Elting at 216.881.6600 x6435 or eltingi@neorsd.org

**VISIT** neorsd.org/cleanlake

TWEET @neorsd







November 30, 2015

RE: **Library Verification of Receipt** 

**U.S. EPA Brownfields Cleanup Grant Application** 

**Northeast Ohio Regional Sewer District** 

**Woodland/Central West Basin Green Infrastructure Project** 

Cooper Property, 6207-6319 Kinsman Road, 6400-6420 & 6401 Grand Avenue, and 2697 & 2700-2721 East 64th Place, Cleveland, Ohio 44104

On November 30, 2015, the Woodland Branch of the Cleveland Public Library received a copy of Northeast Ohio Regional Sewer District's U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grant applications for the Woodland/Central West Basin Green Infrastructure Project's Cooper Property located 6207-6319 Kinsman Road, 6400-6420 & 6401 Grand Avenue, and 2697 & 2700-2721 East 64th Place in the City of Cleveland, Ohio 44104. The applications will be available for public review and comment until December 11, 2015.

Rame: Rena M. Baker





Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

### WRITTEN PUBLIC COMMENTS

**None Received** 



### U.S. EPA BROWNFIELDS CLEANUP GRANT APPLICATION

Woodland/Central West Basin Green Infrastructure Project
Cooper Property
6207-6319 Kinsman Road, 6400-6420 & 6401 Grand Avenue,
and 2697 & 2700-2721 East 64<sup>th</sup> Place
Cleveland, Ohio 44104

Please use the space below to provide your contact information and comments regarding the application. Responses to questions and comments provided on this sheet will be incorporated into the application (Attachment E). A copy of the responses will be provided to the contact information provided below.

Name	Address / Email	Comment / Question

Name	Address / Email	Comment / Question	
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	Special and Section Assets the		
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### PUBLIC MEETING DOCUMENTATION

Public Meeting Sign-In Sheet

**Public Meeting Presentation** 

### Public Comment Response Report

- Public Meeting Notes and Summary
- Summary of Public Meeting Comments/Questions
- Summary of Written Comments
- Response to Public and Written Comments

# NORTHEAST OHIO REGIONAL SEWER DISTRICT PROJECT CLEAN LAKE

25-year Combined Sewer Overflow control program

Woodland Branch, Cleveland Public Library • 5806 Woodland Avenue, Cleveland • December 8, 2015 Community Meeting Sign-In Sheet • Woodland/Central West Basin Green Infrastructure Project

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25-year Combined Sewer Overflow control program

Woodland Branch, Cleveland Public Library • 5806 Woodland Avenue, Cleveland • December 8, 2015 Community Meeting Sign-In Sheet • Woodland/Central West Basin Green Infrastructure Project

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NAME	Star Miller	Diare Hunter	GARRY BRYALT	Leonard Johnson 2518	2 Sales March	WillieMARJOlly 2958 E8

# NORTHEAST OHIO REGIONAL SEWER DISTRICT PROJECT CLEAN LAKE

25-year Combined Sewer Overflow control program

Woodland Branch, Cleveland Public Library • 5806 Woodland Avenue, Cleveland • December 8, 2015 Community Meeting Sign-In Sheet • Woodland/Central West Basin Green Infrastructure Project

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NAME	D'ENMCKAEL					



# **Agenda**

- Northeast Ohio Regional Sewer District
- Green Infrastructure
- U.S. EPA Brownfields Cleanup Grant Program
- Cooper Property, History & Existing Conditions
- Brownfield Cleanup Alternatives
- Schedule and Next Steps
- Questions?



### Who We Are...

- Political subdivision of Ohio
- Created in 1972 by Court Order
  - Code of Regulations
  - Governed by seven Trustees
- Separate and distinct from the City of Cleveland and Cuyahoga County



Your Sewer District Keeping our Great Lake great.

# Responsibility

- Wastewater Treatment Plants
- Interceptor sewers
- Wet weather programs
  - ➤ Combined Sewer Overflow (CSO) Control
  - > Stormwater Program





## What We Do...

- Treat 90+ billion gallons of sewage each year
- Serve 1 million customers

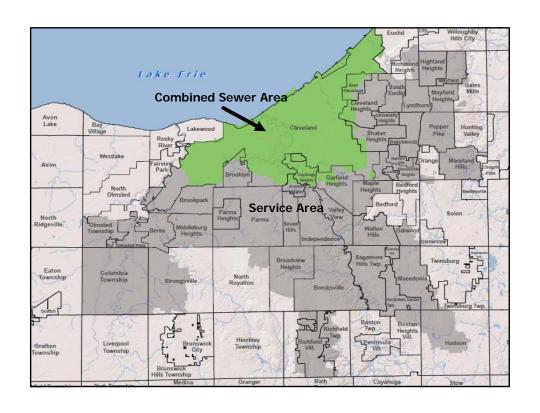


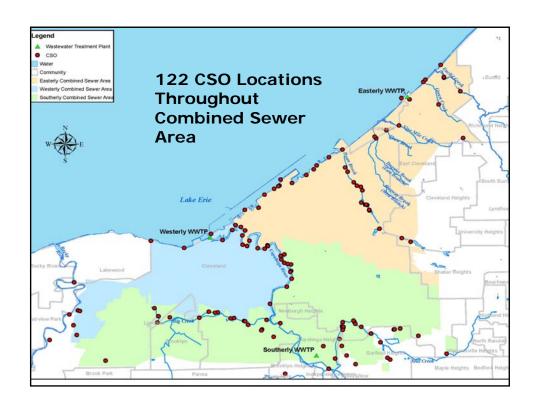
# What We Do...

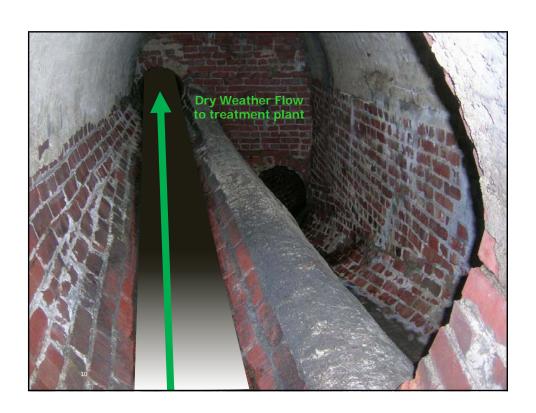
- Water quality monitoring
- Lake Erie beach monitoring and maintenance
- Regulatory authority over discharges from local sewers & industries

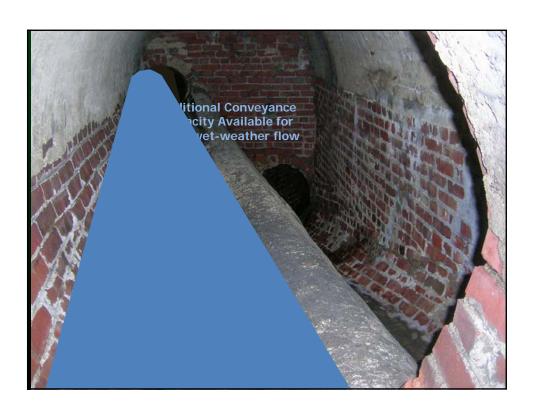


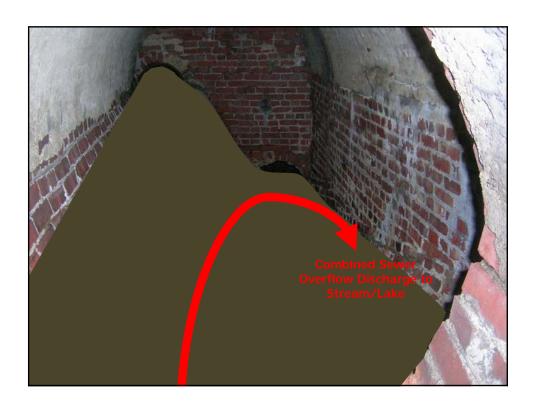


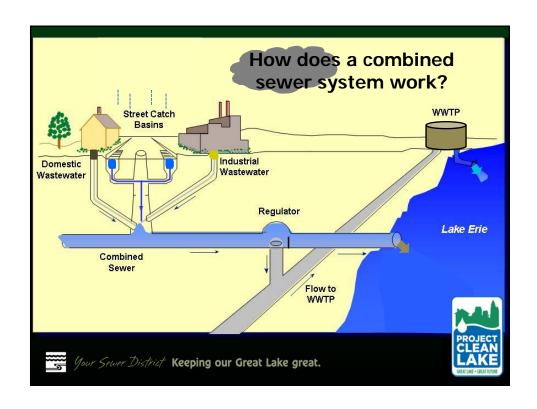








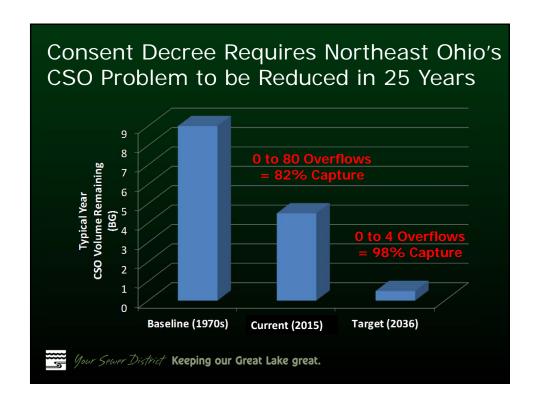


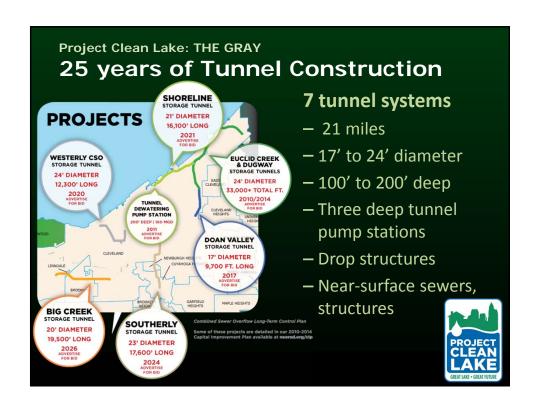




# Water quality impacts of Combined Sewer Overflow....



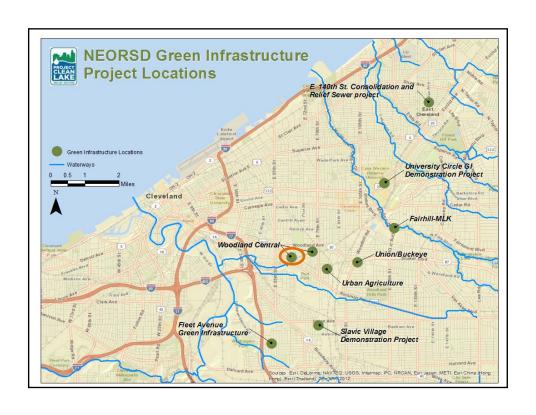






# 

# What is Green Infrastructure (GI)? Green infrastructure may include: • Bioretention • Rain gardens • Pervious pavers • Green roofs • Rainwater harvesting



## Woodland/Central **Green Infrastructure Project**



### What is a Brownfield?

# A property with:

- Actual Contamination
- Perceived Contamination
- Listed on environmental regulatory database
- Vacant/Abandoned
- Underutilized
- Poor Condition
- Concentrated in Urban Core



1111 10



### U.S. EPA Brownfields Cleanup Grant

- Provides funding for cleanup activities at sites contaminated with:
  - hazardous substances and/or
  - petroleum
- Up to \$200,000/site
- 3 years to complete project



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### **U.S. EPA Brownfield Cleanup Grants**

Woodland/Central West Basin Green Infrastructure Project

- FY15 Cleanup Grants
- Biore Grants Applied for in 2014

   Biore Grants Applied in 2015

   Gr and Received in 2015 - 6417-6429 Grand
  - Gr roperty - 6507-6517 Grand Ave



## Woodland/Central West Basin **Green Infrastructure Project**

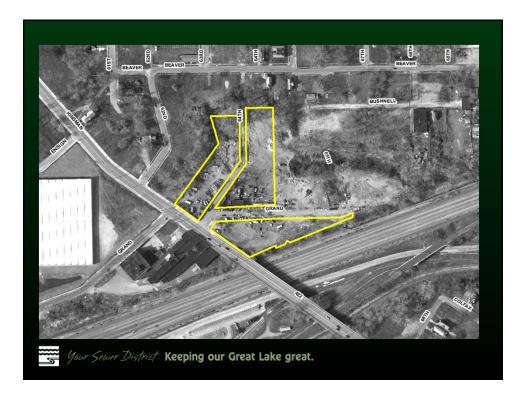


## **U.S. EPA Brownfield Cleanup Grants**

Woodland/Central West Basin Green Infrastructure Project

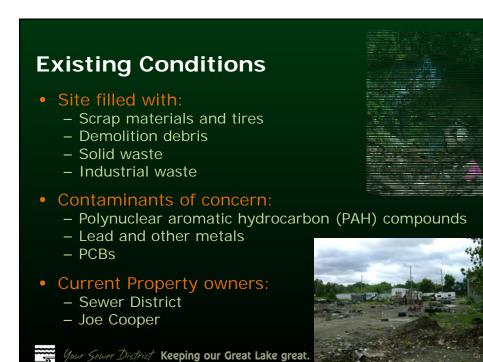
- FY16 Cleanup Grant Application
  - \$200,000
  - "Cooper Property" 6400 to 6420 & 6401 Grand Ave 6207 to 6319 Kinsman Rd 2697 & 2700 to 2721 East 64th Place





### **Site History**

- Late 1800s Residential area around ravine
- 1910-20s Commercial/industrial development and filling of ravine (off-Property)
- 1960s Filling of ravine continues; recycled lumber yard becomes salvage material yard
- 1970s Homes/commercial structures removed and scrap yard expands
- 1980s Addition of auto towing/wrecking
- 2014 Cuyahoga County Environmental Crimes Task Force raids site and court case is filed
- 2015 Previous owner required to clean-up the property





# **Analysis of Brownfields Cleanup Alternatives**



- Protective of public health, safety, welfare or environment
- Removal of "hot spots" of hazardous contamination
- Removal of all solid waste at the surface and transfer to a landfill
- Removal and replacement of <u>all</u> soil with chemicals above VAP Residential Land Use Standards (upper 2') and transfer to an appropriate disposal site
- Leaves some buried solid waste in place, but capped

Most expensive option



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# **Analysis of Brownfields Cleanup Alternatives**

- Alternative 3: Modified Cleanup
  - Protective of public health, safety, welfare or environment
  - Property Specific Recreational Land Use Standards
  - Removal of "hot spots" of hazardous contamination
  - Allows for sorting and recycling of waste materials and beneficial reuse on-site
  - Leaves some buried solid waste in place, but capped

**Preferred Option** 





#### **Preferred Alternative**

#### **Alternative 3: Modified Cleanup**

- Recreational Use Standards
- Removal of "hot spots"
- Removal/recycling of trash
- Excavation of contaminated soil from basin footprint
- Cover/cap remaining buried solid waste



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### **Preferred Alternative**

## Alternative 3: Modified Cleanup

- Excavation of contaminated soil above Recreational Use Standards outside of basin footprint
- Excavated soils may be re-used on-site
- Site covered with clean topsoil and re-seeded for reuse

**Property Safe for Recreational Use** 



### **Schedule**

- December 18th: Grant application due
- Spring 2016
  - Anticipate decision from USEPA on grant funding
  - Design of project should be around 45% complete
- Early 2017
  - Pre-construction public meeting
  - Anticipated start of cleanup project
- Spring/Summer 2017: Cleanup activities expected to take up to 6 months
- Fall 2017: Final site tour of project area



Your Sewer District Keeping our Great Lake great.

# **Any Questions?**



## **Contact Information**

Robin Halperin, Manager of Regulatory Compliance halperinr@neorsd.org

Lindsey Polichuk, Environmental Specialist polichukl@neorsd.org

Rachel Webb, Watershed Team Leader webbr@neorsd.org

John Garvey, Partners Environmental jgarvey@partnersenv.com

#### FOR MORE INFORMATION

216-881-6600 www.neorsd.org





Public Comment Response Report

December 8, 2015 Public Meeting

# WOODLAND/CENTRAL GREEN INFRASTRUCTURE PROJECT

PROJECT CLEAN LAKE
GREEN INFRASTRUCTURE

#### **Introduction**

The Northeast Ohio Regional Sewer District (Sewer District) plans to construct a green infrastructure (GI) project south of Woodland Ave, northeast of Kinsman Road, and north of the Norfolk Southern Railroad. This project, known as the Woodland/Central West Basin GI Project (GI Project), is designed to capture stormwater, remove it from the combined sewer system, and prevent 8 million gallons of combined sewage from discharging into Kingsbury Run and area waterways annually with a construction cost of \$8.2 million.

The Sewer District, as part of its Combined Sewer Overflow (CSO) Consent Decree with the U.S. Environmental Protection Agency (U.S. EPA) and Ohio Environmental Protection Agency (Ohio EPA), will construct and install GI control measures in addition to required gray infrastructure to further reduce CSOs within its combined sewer service area, which includes the majority of the City of Cleveland. Appendix 3 of the Sewer District's CSO Consent Decree describes the GI requirement, mandating that the Sewer District capture at least 44 million gallons of additional CSO annually and spend at least \$42 million on GI projects.

#### **Public Meeting Notes and Summary**

At 5:30 pm on December 8, 2015 the meeting began with an introduction of the presenters: Robin Halperin, Manager of Regulatory Compliance, Sewer District and John Garvey, Partners Environmental Consulting, Inc. Ms. Halperin started the meeting by presenting the agenda and then explained the Sewer District and its primary responsibilities. The Sewer District was created in 1972 and is a political subdivision of the State of Ohio. The primary responsibilities of the Sewer District are to operate three (3) wastewater treatment plants to provide water quality treatment to more than 90 billion gallons of sewage each year.

Ms. Halperin followed with an explanation of CSO and how a combined sewer system functions and demonstrated the negative impacts of CSOs to the environment and public health, followed by an overview of the Sewer District's Project Clean Lake Program to resolve these issues. The goal of Project Clean Lake is to reduce and eliminate CSOs in the Sewer District's service area to meet the requirements of the Sewer District's Consent Decree with the U.S. EPA, the Department of Justice and the Ohio EPA. This goal will be achieved through a combination of "gray" and "green" infrastructure. Gray infrastructure includes large diameter tunnels, pump stations and consolidation sewers. GI includes stormwater control features that store, infiltrate or evaportranspirate stormwater. GI may include bioretention basins, rain gardens, pervious pavers and green roofs. GI can be used in a combined sewer system to reduce stormwater flows into the combined system, thereby reducing CSOs to the environment.

Ms. Halperin presented a map of the Sewer District's proposed GI Project at the Woodland/Central West Basin project site. A portion of the project area known as the Cooper Property is the subject of this Brownfields Cleanup Grant application. In 2015, the Sewer District received two (2) FY15 Brownfields Cleanup Grant awards for adjacent properties associated with this GI Project. Mr. Garvey went on to explain the purpose of the U.S. EPA Brownfields Cleanup Grant Program beginning with the explanation of what is a "brownfield." Next, Mr. Garvey described the project location for the grant application and presented the history of the site. The site has a long history of filling and dumping since as early as the 1920s. The current site is filled with scrap materials, tires, demolition debris, solid waste and industrial

fill. Mr. Garvey explained that the site has been evaluated and contaminants of concern (COCs) have been identified. Three (3) alternatives to clean-up the site were discussed. Alternative 3 is the preferred option as it renders the site safe for reuse for recreational purposes and for the construction of a stormwater management basin and greenspace. During and following the presentation, several questions were asked by attendees. Those questions and the Sewer District's responses are provided below.

The meeting was concluded by Ms. Halperin at 6:29 pm.

#### **Public Comments/Questions**

Written comments were solicited on the Sewer District's Draft U.S. EPA Brownfields Cleanup Grant applications for the Cooper Property. The application was made available for public review and comment from November 30 – December 11, 2015 at the Woodland Branch of the Cleveland Public Library (5806 Woodland Avenue, Cleveland, OH 44104). No written comments were received.

In addition, the following public comments and questions were received during the December 8, 2015 Woodland/Central West Basin GI Project: Brownfields Cleanup Grant Public Meeting for the Cooper Property.

The Sewer District has provided responses within this document. Written responses to comments will be sent via email or U.S. Postal Service during the week of December 21, 2015 to all meeting attendees and commenters. Additional comments and questions can be addressed to:

Jennifer Elting, Public Information Specialist eltingi@neorsd.org 216.881.6600 Ext. 6435

Rachel Webb, Watershed Team Leader webbr@neorsd.org 216.881.6600 Ext. 6880

#### **Public Meeting Comments and Sewer District Responses:**

1. How many grants has the Sewer District been awarded and what would be awarded if this application is successful?

<u>Sewer District Response:</u> In 2015, the Sewer District received two (2) U.S. EPA Brownfields Cleanup Grant awards totaling \$400,000 for adjacent properties associated with the Woodland/Central West Basin GI Project. The U.S. EPA Brownfield Cleanup grant application the Sewer District is submitting for FY2016 is for \$200,000.

2. What is the total estimate of cleanup costs that the grant funding would supplement?

<u>Sewer District Response:</u> The cost estimate for the cleanup of the Cooper Property is \$407,925\*. The total cost estimate for cleanup activities for the Woodland/Central West Basin GI Project is \$1.5 M\*.

\*Correction from meeting: The cost estimates stated at the meeting have been adjusted to reflect actual costs for cleanup activities, as shown above.

3. What does recreational use standard mean? Can you live on the property?

<u>Sewer District Response</u>: Under the Ohio EPA's risk assessment analysis and development of potential exposure pathways, the recreational use standard implies people can play on but not build a house on the property. The standard addresses child and adult risk, but does not assume people will be on the property 24 hours a day. There is a separate, more stringent residential use standard for this type of exposure.

4. Is six (6) inches of cover enough to protect against exposure?

Sewer District Response: Six (6) inches of clean cover is sufficient with a proper Operation and Maintenance Plan, except where solid waste remains requiring a more substantial cover (24 inches) to limit exposure.

5. How long has the site been contaminated like this? How long has dumping been going on?

<u>Sewer District Response:</u> The area started out as residential homes surrounding a tributary to Kingsbury Run. Starting in the early 1900's filling of the ravine with industrial fill materials, such as fly ash and foundry sand began to accommodate the development of commercial/industrial buildings along Kinsman Road and Grand Avenue. A lumber salvage yard that began operations on the site in the 1920s was the precursor to the scrap yard that began operations in the 1960s and continued until 2015. The scrap yard operations caused the majority of the dumping visible at the surface today.

6. Why is the Sewer District not doing a full cleanup of the site, per Alternative 2 shown in the presentation?

Sewer District Response: Alternative 1 is no action or minimal action, while Alternative 2 is cost prohibitive to the Sewer District. Alternative 3 allows the Sewer District to develop a remedial plan that balances the costs required to cleanup the site, while maintaining a protective level of exposure for recreational use. Alternative 3 is the best option to minimize cost and maximize cleanup for recreational use.

7. How will the Sewer District dispose of the materials that are excavated?

<u>Sewer District Response:</u> Depending on the type of material that is removed and the nature of any contamination within, the material will be disposed at either a hazardous waste landfill, solid waste landfill or as petroleum contaminated soil (PCS) at a PCS recycling facility.

8. The individuals that buried this waste material should be responsible for bearing the burden of this cleanup. The contractors that did this should be responsible. Why should residents be asked to pay for the costs of this project when it should be someone else's responsibility?

<u>Sewer District Response:</u> The previous owner of the property, per court order has taken steps to cleanup waste materials on the surface of the property. The Sewer District will undertake the cleanup activities to make the site functional for the GI Project.

9. What other uses will this property be used for?

<u>Sewer District Response:</u> The Sewer District is building a GI basin that will capture and store stormwater and slowly release it into the Kingsbury Run Culvert that will be built across the southern portion of the Woodland/Central West Basin Property. The Sewer District plans to hold several public meetings during the design of the GI basin to discuss the design of the GI Project and ask for the community's input.

10. How long has the Sewer District been looking at this property for this type of reuse?

<u>Sewer District Response:</u> The Sewer District has been working on developing and implementing its Green Infrastructure Plan (<a href="https://www.neorsd.org/I\_Library.php?a=download\_file&LIBRARY\_RECORD\_ID=55">https://www.neorsd.org/I\_Library.php?a=download\_file&LIBRARY\_RECORD\_ID=55</a> 26) for 4 years.

11. Is this project related to the Urban Agriculture Innovation Zone (UAIZ) Project that the Sewer District is constructing right now?

<u>Sewer District Response:</u> These are separate construction projects, but the design features and control measures that are under construction at the UAIZ site are similar and are part of the Sewer District's GI Plan.

12. Will the basin cause problems with mosquitoes?

<u>Sewer District Response:</u> The stormwater control measure for the this GI Project will be designed to drain in less than 48 hours after a rain event, which is not long enough for mosquitoes to breed in standing water. Mosquitoes need seven (7) days of stagnant water to breed.

13. Will a basin be built in the valley for Kingsbury Run?

<u>Sewer District Response:</u> No, the project will be next to the valley. Tim Tramble of BBC clarified that local residents think of Kinsbury Run as the open stream that runs through the Garden Valley residential neighborhood just south of Kinsman Road.

14. How much will my sewer rates increase?

<u>Sewer District Response:</u> The Sewer District rates are set through 2016. From 2011-2016, sewer rates have increased approximately 13%\* each year. The Sewer District is currently conducting a rate study for sewer rates for 2017-2021, and will hold several open houses this spring to present the new rates for 2017-2021.

\*Correction from meeting: The rates increase is approximately 10-11% annual from 2011-2016.

15. How will this project affect water quality and will my water taste better?

<u>Sewer District Response:</u> This project will reduce the amount of stormwater getting into the combined sewer system and the volume of untreated sanitary mixed with stormwater discharging into the Cuyahoga River as combined sewer overflow. If there are problems with the taste of drinking water, contact Cleveland Division of Water at (216) 664-2444 to report a problem.

16. There is a sulfur smell in my drinking water, who should I call about this problem?

Sewer District Response: Contact Cleveland Division of Water at (216) 664-2444.

17. Will this project create jobs?

Sewer District Response: The Sewer District will be working with several construction contractors to complete the Woodland/Central West Basin GI Project. As a result, the Sewer District intends to host certification workshops\* to attract local woman-owned, minority-owned and small businesses that are capable of working on this GI project. In addition, the Sewer District's Good Neighbor Ambassador Program is expanding into the Central neighborhood. This Program integrates community outreach with career opportunities for unemployed and underemployed individuals in neighborhoods impacted by our construction projects. The Sewer District plans to hire the next cohort of Ambassadors in April 2016. If awarded this Grant, the District will offer the Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations

and Emergency Response (HAZWOPER) 40 Hour Training Course for up to 10 Ambassadors. Upon completion of training, the Ambassadors will shadow the environmental consultant during cleanup activities at the Site.

\*Additional Information: The target industries for certification include NAICS 562910 (Environmental Remediation Services), NAICS 484110 (Local General Freight Trucking) and NAICS 423930 (Recyclable Material Merchant Wholesalers).

18. Are the western suburbs leaving Cleveland Water Department?

<u>Sewer District Response:</u> The City of Westlake has threatened to terminate drinking water contracts with the City of Cleveland; this does not affect the Sewer District. Westlake, as well as other west-side suburban communities, send their wastewater elsewhere for treatment.

Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

# ATTACHMENT F DRAFT ANALYSIS OF BROWNFIELDS CLEANUP ALTERNATIVES (ABCA)

#### PHASE I/II SUMMARY

#### **Introduction & Background**

The Cooper Property for this grant application consists of 4.95 acres (Property) of the 9.47 acre site known as the Woodland/Central West Basin Green Infrastructure Project (Project or Project Site). For this Brownfields Cleanup Grant request (RFP NO: EPA-OSWER-OBLR-15-06), the Property consists of permanent parcel numbers 124-18-001, 124-18-002, 124-18-011 through 124-18-018, 124-18-071, and 124-19-023 through 124-19-030. The addresses associated with this Property ranges from 6400 to 6420 & 6401 Grand Avenue, 6207 to 6319 Kinsman Road, and 2697 & 2700 to 2721 East 64<sup>th</sup> Place located in Cleveland, Ohio 44104. The Project Site was developed as early as 1892 with residential dwellings located along the valley of a stream known as Kingsbury Run. By 1913, a significant portion of the ravine had been filled in with mostly industrial waste such as foundry sand and refractory waste and Kingsbury Run was partially culverted. The southern portion of the Property (south of the ravine and Grand Avenue) was also historically developed with a grain/feed mill, a building/material supply (brick, tile, coal and oil) yard, and a truck repair shop from the 1920s through the 1960s. By the 1960s, portions of the filled ravine were being utilized as a salvage material yard by a scrap yard operator. Between 1959 and 1977, the residential dwellings were razed. In 1981, the scrap yard operation added auto towing/wrecking operations and further expanded across the Property and the Project Site. Through the expansion of the scrap yard, more of the ravine located on the Property was filled, which resulted in contamination of the Property with solid waste, hazardous substances and petroleum constituents. As the result of a raid of the Property by the Cuyahoga County Environmental Crimes Task Force, the operator of the scrap yard on the Property (Joe Cooper) was investigated for criminal activities related to open dumping and other related charges. Mr. Cooper pled guilty on February 5, 2015 and during the June 2, 2015 sentencing hearing, Mr. Cooper was ordered to clean-up the Property by September 8, 2015 or face 11 years in jail. The scrap yard operation and illegal dumping/filling was identified as a recognized environmental condition (REC) in the Phase I Environmental Site Assessment (ESA). The planned use of the Property is for green infrastructure (to reduce combined sewer overflows during wet weather events), built out as a stormwater control basin surrounded by greenspace.

Partners Environmental Consulting, Inc. (Partners) completed two (2) Phase I ESAs of the Woodland/Central West Basin Green Infrastructure Project Site, which includes the Property and the parcels associated with the remainder of the Project Site. The area covered by the two (2) reports dated July 14, 2014 and November 16, 2015 is approximately 9.47 acres. The Property is irregularly shaped and generally bounded by residences and vacant lots along the south side of Beaver Avenue to the north, a railroad right-of-way to the south, vacant land to the east, and vacant land along the east side of East 62<sup>nd</sup> Street and Kinsman Road to the west. The ESA was conducted in general accordance with the United States Environmental Protection Agency (EPA), Standard and Practices for All Appropriate Inquires (AAI), Final Rule (40 Code of Federal Regulations [CFR] Part 312) and American Society of Testing and Materials (ASTM)

Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (E 1527-13).

A Limited Phase II Investigation of the Project Site was completed in October 2014 by Partners. The Limited Phase II incorporated and expanded on the data from two (2) previous Phase II investigations completed by Resource International, Inc. (Rii) in February 2013 and Pandey Environmental, LLC. (Pandey) in February 2014. Between the three (3) investigations, the scope of work on the Cooper Property included the advancement and installation of 22 soil borings, two (2) temporary monitoring wells, five (5) permanent monitoring wells, collection and analysis of soil and groundwater samples, excavation of seven (7) test pits, data evaluation/compilation, and project documentation. Risk-based standards for residential, commercial/industrial, and construction & excavation activities exposure scenarios available through Ohio's Voluntary Action Program (VAP; Ohio Administrative Code [OAC] 3745-300-08, Appendix A) and the Toxicity Characteristic Leaching Procedure (TCLP) Calculated Maximum Concentration in a Solid (20x Rule), were used as "applicable or relevant and appropriate requirements" (ARARs) to evaluate Property conditions.

#### **Soil Sampling and Analysis**

A total of 22 soil borings were drilled on the Cooper Property and continuous soil samples were collected and described by field geologists. Soil samples from each boring were submitted for laboratory analysis, based upon a combination of historical information of the area, field observations (visual or odor), field screening results, and/or location. A total of 23 soil samples were submitted for analysis of volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), and Resource Conservation Recovery Act (RCRA) metals. A total of 14 soil samples were submitted for analysis of total petroleum hydrocarbons (TPH) analysis, 15 soil samples for polychlorinated biphenyls (PCBs) analysis, and two (2) soil samples for herbicide analysis. Soil samples collected by Pandey and Partners were submitted to a VAP-certified laboratory using chain-of-custody control for analysis.

Test pits were used to visually characterize fill material and determine its extent, both vertically and horizontally.

#### **Groundwater Sampling and Analysis**

Five (5) two 2-inch inside diameter permanent monitoring wells were installed on the Cooper Property and two (2) 2-inch temporary monitoring wells were installed in two (2) borings to investigate groundwater conditions associated with the Property. Five (5) groundwater samples were collected and submitted for analysis of VOCs, PAHs, and RCRA metals. Groundwater samples collected by Pandey and Partners were submitted to a VAP-certified laboratory using chain-of-custody control for analysis. The permanent monitoring wells were surveyed and developed. Survey data was combined with monitoring well gauging data across the Project Site to construct a potentiometric surface map and determine groundwater flow direction. The general direction of groundwater flow is towards the southwest.

#### **FINDINGS**

#### **Soil Conditions at Cooper Property**

The subsurface profile generally consists of two (2) distinct layers of fill underlain by native soils. The upper fill layer generally consisted of scrap yard debris (tires, metal, car parts, rubber, and plastic) with varying amounts of brown/black silty sand. The depth of the upper fill layer (scrap yard fill) ranged from the ground surface to one (1) to 17 feet below ground surface (bgs), with fill thicknesses generally extending deeper closer towards the center of the former ravine. The lower fill layer generally consisted of older industrial fill comprised of brown sands with varying amounts of red brick, fire brick, and slag. The depth of the lower fill layer ranged from ground surface to one (1) to 35 feet bgs. The undisturbed soils generally consisted predominantly of interbedded layers of brown and/or gray fine sand, silty fine sand, silt and/or sand-silt mixtures underlain by gray clay. No bedrock was encountered at any of the boring and trench pit locations.

In the 22 soil borings installed at the Property, VOCs were detected in soils at concentrations below Ohio EPA VAP Generic Direct Contact Standards (GDCS) for Residential Land Use. Herbicides were not detected in soil samples. PAH concentrations exceeded VAP Residential GDCS at five (5) locations and exceeded VAP Commercial/Industrial GDCS at seven (7) locations. Five (5) PAHs, including benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene, were detected above VAP Residential GDCS and Commercial/Industrial GDCS, with maximum concentrations of 106 milligrams per kilogram (mg/kg), 139 mg/kg, 116 mg/kg, 16.6 mg/kg, and 48.4 mg/kg, respectively. The PCB Aroclor 1254 was detected in one (1) soil sample at a concentration of 25.3 mg/kg. Chromium was detected in three (3) soil samples at concentrations above VAP Residential GDCS. Lead was detected in 17 soil samples at concentrations ranging from 104 mg/kg to 29,600 mg/kg. Lead concentrations exceeded the TCLP 20x Rule (100 mg/kg) at 17 locations, the VAP Residential and Construction/Excavation worker GDCS (400 mg/kg) at nine (9) locations, and the VAP Commercial/Industrial GDCS (800 mg/kg) at three (3) locations. TPH C20-C34 exceeded the Ohio VAP standard of 5,000 mg/kg at one (1) location at a depth of 12 to 16 feet bgs, in an area outside the planned basin footprint.

#### **Groundwater Conditions at Cooper Property**

Groundwater was generally encountered in the native sand/silty sand beneath the fill material. Static water levels ranged from 9.89 to 38.4 feet below the top of casing. VOCs and PAHs were not detected in any of the five (5) groundwater samples analyzed at concentrations above applicable Ohio EPA Unrestricted Potable Use Standards (UPUS). Of the RCRA eight (8) metals analyzed, arsenic, barium, lead, and mercury were detected in the groundwater samples. Arsenic was the only metal detected in groundwater at a concentration UPUS. However, the Property is located within a VAP Urban Setting Designation (USD), which demonstrates that groundwater at and in the vicinity of the Property is not used for potable purposes.

#### **Analysis of Brownfield's Cleanup Alternatives (ABCA)**

The District is mandated to reduce the total volume of combined sewage discharges/overflows (CSO) during rain events. In response, the District developed a plan to reduce the total volume of CSO utilizing "gray" infrastructure (tunnels and treatment plant enhancements) and green infrastructure (stormwater control measures to store, infiltrate, and evapotranspirate stormwater before it reaches the combined sewer system) to remedy the CSO problem.

The District has selected a combination of "gray infrastructure" (i.e., Southerly Tunnel) and "green infrastructure" as the solution to CSO discharges along this section of the Kingsbury Run. The Woodland/Central West Basin Green Infrastructure Project will create greenspace for the public and construct a stormwater control basin to collect and temporarily retain stormwater during rain events to offload stormwater flows from the collection system to the Cuyahoga River through the Kingsbury Run culvert.

The District had initially planned to locate the basin on the east adjoining parcels, where the partially filled ravine exists. The District was awarded FY15 Brownfield Cleanup Grants to address the solid waste, tires, and to stabilize the ravine slopes for the planned greenspace and green infrastructure. After the FY15 Brownfields Cleanup Grants were awarded and as part of an ongoing design evaluation process, the District determined that the Cooper Property was the best location for the planned basin based on the lesser depth (thickness) of solid waste/trash fill, topography, and reduced interference with adjacent projects (District's Kingsbury Run Consolidation Relief Sewer project and Ohio Department of Transportation [ODOT] Kinsman/East 63<sup>rd</sup> Street Realignment project). While cleanup will proceed on the parcels to the east as planned, the need for a cleanup remedy is now also necessary on the Cooper Property.

Conceptually, the basin will be approximately eight (8) to 10 feet in depth when finished and will capture approximately 380,000 gallons of stormwater per storm event. The bottom of the basin will consist of layers of bio soil, filter material, stone, and a clay liner. The footprint of the basin will be approximately one (1) acre in size within the Project Site.

The Kingsbury Run Culvert historically ran through the ravine and beneath the central and southwestern portions of the Project Site. Due to significant blockage in the Culvert (which is likely due to the filling/disposal activities that have occurred on the Property), the Culvert is blocked. The Culvert will be re-routed to a new location along the railroad tracks intersecting the southern portion of the Property. The existing Culvert in the ravine will be bulkheaded to prevent migration of contaminants downstream to the Cuyahoga River.

The recreational soil standards generated for this Project will be generated in accordance with Ohio EPA VAP protocol to better coincide with the planned end use of the Property. It will be necessary to remove the tires, surface trash, scrap yard fill, and industrial fill excavated during the construction of the basin so that the Property is easily maintained and safe for workers and the public. In addition to disposal of waste generated from basin excavation, it will be necessary

to perform sufficient remedies in areas outside of the planned basin to make the Property safe by eliminating the health risks of hazards posed by the uncontrolled open dumping. Such remedies include the removal of tires and surface trash, grading of areas exceeding the recreational soil standards, the placement of clean soil cover and re-seeding.

Considerations of applicable technologies, effectiveness, implementability, and cost were evaluated. Once a Property Specific Risk Assessment (PSRA) and the final design of the basin are completed, a final Remedial Action Plan and costs to implement the cleanup activities will be determined. Given the range of possible alternatives, the "minimal action alternative" is used as the baseline against which the other alternatives are analyzed.

The following primary options were considered feasible: 1) Minimal Action, 2) Removal of Residential GDCS Exceedances and 3) Removal of Recreational Use Standard Exceedances.

#### Alternative One – Minimal Action

With this alternative, the District would take no action to remediate the Property beyond the removal of surface solid waste/trash across the Property and disposal at an approved solid waste facility. A remedial investigation will be conducted to delineate the two (2) "hot spots" with exceedances of lead (GP-25W 0-2 feet at 29,600 mg/kg) and PCBs (GP-02W 0-4 feet at 25.3 mg/kg). The lead "hot spot" would be excavated, presuming it could not be reconsolidated onsite due to exceeding TCLP hazardous levels, and disposed as lead hazardous waste (D008). The PCB "hot spot" may remain onsite as long as PCB concentrations are below the TSCA level of 50 mg/kg. No fill would be disposed off-site, all excavated basin material would be managed on-site through the creation of mounds, hills, etc. The area outside the footprint of the basin would then be re-seeded.

	Quantity	Construction	Trucking	Treatment	Disposal	Total Rate	Total Cost
		Cost					
Solid Waste/	500 cy	\$ 5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$30,075
Trash							
Tires	500 ea	\$ 0	\$ 5.00	\$ 0	\$ 5.00	\$ 10.00	\$5,000
Lead	67 cy	\$ 5.15	\$ 15.25	\$ 150.00	\$ 39.75	\$210.15	\$14,080
Seeding/	16,260 sy	\$ 1.00	\$ 0	\$ 0	\$ 0	\$ 1.00	\$16,260
Restoration							
						Total	\$65,415

cy - cubic yards

sy - square yards

ea - each

1. Effectiveness – This alternative would have limited effectiveness in reducing the toxicity, mobility, or volume of waste and would leave exposed contaminated soils on the Property. Risks associated with contaminated soils would continue to persist. This alternative would deal only with TCLP hazardous waste and would not take

- action to protect public health, safety, welfare and the environment from remaining concerns.
- 2. Implementability This alternative is implementable.
- 3. Resilience This alternative would be resilient to reasonably foreseeable changing climate conditions (i.e., severe thunderstorms, excess summer rain, winter storms, and heavy participation events). The Property is not located within a floodplain or in close proximity to Lake Erie to be affected by changing lake water levels.
- 4. Cost The financial cost for the Minimal Action alternative would cost approximately \$65,415.

#### Alternative Two –Removal of Residential Exceedances

With this alternative, the District would remove any remaining surface solid waste/trash across the Property and properly dispose at an off-site landfill. A remedial investigation will be conducted to further delineate the two (2) "hot spots" with exceedances of lead (GP-25W 0-2 feet at 29,600 mg/kg) and PCBs (GP-02W 0-4 feet at 25.3 mg/kg). After "hot spots" have been delineated, the lead "hot spot" would be excavated and disposed off-site, if confirmed as lead impacted soil characterized as hazardous waste (D008). The PCB "hot spot" would be disposed off-site as solid waste, presuming PCB concentrations are below the TSCA level of 50 mg/kg. It is presumed the additional characterization sample results of areas exceeding the TCLP 20x Rule within the basin footprint would be below the TCLP hazardous standards. All of the soils excavated as part of the basin construction would be disposed as solid waste or PCS at an off-site permitted facility. All areas of the Property outside the basin footprint where solid waste remains in the subsurface or with exceedances of VAP Residential GDCS in the surface sample (0-2 feet or 0-4 feet) will be excavated to a depth of 18 inches bgs, and the excavated materials will be disposed as solid waste at an off-site permitted facility. These excavated areas outside the basin footprint will be backfilled with 18 inches of clean fill plus an additional six (6) inches of clean fill to create a two (2) foot zone of soil meeting VAP Residential GDCS. The areas outside the basin footprint would then be re-seeded.

An Operation and Maintenance Plan (O&M Plan) will be prepared to monitor and maintain the six (6) inches of clean fill placed as cover at areas exceeding the VAP Residential GDCS. The purpose of the soil cover (engineering control) is to prevent exposure via direct contact with the soils at depths greater than two (2) feet bgs. The O&M Plan will include a Risk Mitigation Plan to ensure the general public is not exposed to impacted soils as a result of any construction activities such as landscaping or maintenance of infrastructure/utilities.

	Quantity	Construction	Trucking	Treatment	Disposal	Total	Total
		Cost				Rate	Cost
Solid Waste/ Trash	500 cy	\$ 5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$30,075
Soils from basin	2,856 tons	\$ 0	\$ 15.25	\$ 0	\$ 39.75	\$ 55.00	\$157,080
Soils and solid waste outside footprint -above residential GDCS	8,247 tons	\$ 5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$496,057
Tires	500 ea	\$ 0	\$ 5.00	\$ 0	\$ 5.00	\$ 10.00	\$5,000
Lead	33.5 cy	\$ 5.15	\$ 15.25	\$ 150	\$ 39.75	\$ 210.15	\$7,040
PCB	67 cy	\$ 5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$4,030
Soil cover - areas outside basin	5,443 cy	\$10.00	\$10.00	\$ 0	\$ 0	\$20.00	\$108,860
Seeding/ Restoration	16,260 sy	\$ 1.00	\$ 0	\$ 0	\$ 0	\$ 1.00	\$16,260
Consultant							
Delineation & Characterization	1 ea	\$ 18,000	\$ 0	\$ 0	\$ 0	\$ 18,000	\$18,000
O&M Plan*	0	\$ 11,000*	\$ 0	\$ 0	\$ 0	\$ 0	\$0
Risk Mitigation Plan*	0	\$ 7,000*	\$ 0	\$ 0	\$ 0	\$ 0	\$0
Oversight	1 ea	\$ 45,000	\$ 0	\$ 0	\$ 0	\$ 45,000	\$45,000
Rule 13 reporting/certification	1 ea	\$10,000	\$ 0	\$ 0	\$ 0	\$ 10,000	\$10,000
						Total	\$897,402

cy - cubic yards

- 1. Effectiveness This alternative would be effective at reducing the volume of solid waste/trash at the Property. This alternative would also be effective at reducing the toxicity, mobility, and volume of hazardous soils on the Property.
- 2. Implementability This alternative is implementable.
- 3. Resilience This alternative would be resilient to reasonably foreseeable changing climate conditions (i.e., severe thunderstorms, excess summer rain, winter storms, and heavy participation events). The Property is not located within a Floodplain or in close proximity to Lake Erie to be affected by changing lake water levels.
- 4. Cost –Removal of the surface solid waste/trash from the Property, "hot spot" delineation and removal, removal of soils exceeding VAP Residential GDCS outside the basin footprint would cost approximately \$897,402.

sy - square yards

ea - each

<sup>\* -</sup> assumes O&M Plan and Risk Mitigation Plan costs accounted for in existing Fiscal Year 2015 Brownfields Cleanup Grants for Woodland/Central West Basin – Greenspace and Bioretention Basin Properties.

#### <u>Alternative Three – Removal of Recreational Exceedances</u>

With this alternative, the District would remove any remaining surface solid waste/trash across the Property and properly dispose at an off-site landfill. A remedial investigation will be conducted to further delineate the two (2) "hot spots" with exceedances of lead (GP-25W 0-2 feet at 29,600 mg/kg) and PCBs (GP-02W 0-4 feet at 25.3 mg/kg) and waste characterization of the areas exceeding the TCLP 20x Rule within the basin footprint. After "hot spots" have been delineated, the lead "hot spot" would be excavated and disposed off-site, if confirmed as lead impacted soil characterized as hazardous waste (D008). The PCB "hot spot" would be disposed off-site as solid waste, presuming PCB concentrations are below the TSCA level of 50 mg/kg. It is presumed the additional characterization sample results of areas exceeding the TCLP 20x Rule within the basin footprint would be below the TCLP hazardous standards. All of the soils excavated as part of the basin construction will be disposed as solid waste or PCS at an off-site permitted facility or reconsolidated onsite if the additional characterization indicates the soils meet acceptable criteria. The areas outside the basin footprint will be compared to recreational soil standards generated for this Project. Those areas of soil exceeding the recreational soil standards will be graded and six (6) inches of clean topsoil, meeting recreational standards will be placed over the soil exceedances prior to re-seeding. Where solid waste remains in the subsurface, two (2) feet will be removed and 18-inches of compactable material and six-(6) inches of topsoil that meet recreational standards will be backfilled.

An O&M Plan will be prepared to monitor and maintain the six (6) inches of clean fill placed as cover at areas exceeding the recreational standards. The purpose of the soil cover (engineering control) is to prevent exposure via direct contact with the soils at depths greater than six (6) inches bgs. The O&M Plan will include a Risk Mitigation Plan to ensure the general public is not exposed to impacted soils as a result of any construction activities such as landscaping or maintenance of infrastructure/utilities.

	Quantity	Construction Cost	Trucking	Treatment	Disposal	Total Rate	Total Cost
Solid Waste/ Trash	500 cy	\$ 5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$30,075
Soils from basin	2,856 tons	\$ 0	\$ 15.25	\$ 0	\$ 39.75	\$ 55.00	\$157,080
Tires	500 ea	\$ 0	\$ 5.00	\$ 0	\$ 5.00	\$ 10.00	\$5,000
Lead Impacted soil	33.50 cy	\$ 5.15	\$ 15.25	\$ 150	\$ 39.75	\$210.15	\$7,040
PCB Impacted soil	67 cy	\$ 5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$4,030
Removal of two (2) feet of solid waste	799 tons	\$5.15	\$ 15.25	\$ 0	\$ 39.75	\$ 60.15	\$48,060
Soil cover - outside basin	2,764 cy	\$10.00	\$10.00	\$ 0	\$ 0	\$20.00	\$55,280

	Quantity	Construction	Trucking	Treatment	Disposal	Total	Total
		Cost				Rate	Cost
Soil cover - over solid waste areas	605 cy	\$10.00	\$10.00	\$ 0	\$ 0	\$20.00	\$12,100
Seeding/ Restoration	16,260 sy	\$ 1.00	\$ 0	\$ 0	\$ 0	\$ 1.00	\$16,260
Consultant							
Delineation & Characterization	1 ea	\$ 18,000	\$ 0	\$ 0	\$ 0	\$18,000	\$ 18,000
O&M Plan*	0	\$ 11,000*	\$ 0	\$ 0	\$ 0	\$0	\$0
Risk Mitigation Plan*	0	\$ 7,000*	\$ 0	\$ 0	\$ 0	\$ 0	\$0
Oversight	1 ea	\$ 45,000	\$ 0	\$ 0	\$ 0	\$45,000	\$45,000
Rule 13 reporting/ certification	1 ea	\$ 10,000	\$ 0	\$ 0	\$ 0	\$10,000	\$10,000
			•	•		Total	\$407,925

cy - cubic yards

- 1. Effectiveness This alternative would be effective at reducing the toxicity, mobility, and volume of contamination and would render the Property safe for its intended future use.
- 2. Implementability This alternative is implementable.
- 3. Resilience This alternative would be resilient to reasonably foreseeable changing climate conditions (i.e., severe thunderstorms, excess summer rain, winter storms, and heavy participation events). The Property is not located within a floodplain or in close proximity to Lake Erie to be affected by changing lake water levels.
- 4. Cost Surface solid waste/trash removal, "hot spot" delineation and removal, regrading soil areas exceeding recreational standards and placing six (6) inches of soil cover would cost approximately \$407,925.

#### Recommendation

Based on surface/subsurface conditions, project size, time, cost, intended future Property use and planned construction/end use requirements, Alternative One - No Action method was deemed inappropriate because soils contaminated with hazardous substances with the potential to be considered hazardous waste would remain on the Property. Alternative Two –Removal of Residential Exceedances is the most expensive alternative.

sy - square yards

ea - each

<sup>\* –</sup> assumes O&M Plan and Risk Mitigation Plan costs accounted for in existing Fiscal Year 2015 Brownfields Cleanup Grants for Woodland/Central West Basin – Greenspace and Bioretention Basin Properties.

Based on the evaluation criteria, Alternative Three – Removal of Recreational Exceedances was determined to be most appropriate. The sequential order of cleanup activities will include removal of any remaining surface solid waste/trash across the Property; a remedial investigation to further delineate the two (2) "hot spots" of lead and PCBs in soil; waste characterization of the areas exceeding the TCLP 20x Rule within the basin footprint. After these activities have been completed, the lead "hot spot" would be excavated, characterized for lead (D008) and disposed off-site, the PCB "hot spot" would be disposed off-site as solid waste, presuming PCB concentrations are below the TSCA level of 50 mg/kg. It is presumed the additional characterization sample results of areas exceeding the TCLP 20x Rule within the basin footprint would be below the TCLP hazardous standards. Therefore, soils excavated as part of the basin construction will be disposed as solid waste at an off-site permitted facility. Areas outside the basin footprint will be compared to recreational standards, and those areas exceeding recreational standards will be re-graded. Re-graded areas will then be covered with six (6) inches of clean topsoil, meeting recreational standards. An O&M Plan/Risk Mitigation Plan will be established for those areas where the underlying soil exceeds the recreational standards. The O&M Plan/ Risk Mitigation Plan will aid in protecting the general public from being exposed to the underlying impacted soils.

#### **Applicable Regulations and Cleanup Standards**

All work will be performed under the oversight of the Ohio EPA under the implementation of OAC 3745-27-13, also known as "Rule 13". The District will obtain an authorization from the Director of the Ohio EPA to implement remediation under the Rule 13. Remediation work will be directed by an environmental consulting firm, contracted by the District, which is fully qualified in all aspects of assessment and remediation. The environmental consulting firm will utilize a Certified Professional licensed by Ohio EPA to oversee remediation activities and submittal of a Rule 13 Certification Report for the Property. The Rule 13 Certification Report will be certified by a Professional Engineer.

The TCLP waste characterization standards, TSCA – PCB waste classification regulations, and the project specific Recreational Standards will also be used as appropriate cleanup standards during the cleanup activities at the Cooper Property.

Narrative Proposal Attachments
USEPA Brownfields Cleanup Grant Application
Northeast Ohio Regional Sewer District
Woodland/Central West Basin Green Infrastructure Project

# ATTACHMENT G DOCUMENTATION OF APPLICANT ELIGIBILITY

STATE OF OHIO )
COUNTY OF CUYAHOGA )

IN THE COURT OF COMMON PLEAS

NO. SD 69411 Ex. Doc. 140 Page 403

ESTABLISHMENT OF CLEVELAND REGIONAL SEWER DISTRICT

JUDGMENT ENTRY

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- (1) This cause came on to be heard on the 16th day of May, 1972 on the petition of the Board of County Commissioners of Cuyahoga County, Ohio, for an order organizing and creating a Regional Sewer District pursuant to the provisions of Chapter 6119 of the Ohio Revised Code, the objections thereto as appears of record, the evidence, the record of the proceedings heretofore taken herein, and the arguments of counsel.
- (2) Upon due consideration thereof, the Court finds that subsequent to the filing of the petition herein by the Board of County Commissioners of Cuyahoga County, Ohio, that the Honorable John V. Corrigan, Presiding Judge of the Court of Common Pleas of Cuyahoga County, Ohio, did, on April 19, 1972, assign this case to Judge George J. McMonagle and directed him to sit as the Judge in the proceedings, conduct the required hearings, and make the necessary determinations in accordance with Chapter 6119 of the Ohio Revised Code.
- (3) The Court further finds that on April 20, 1972, the said Judge George J. McMonagle did find and determine that the petition filed herein by the Board of County Commissioners of Cuyahoga County, Ohio, does comply with the requirements of Chapter 6119 of the Revised Code of Ohio as to form and contents and that he did fix May 16, 1972, at 1:30 P.M. in Courtroom No. 11 of the Cuyahoga County, Ohio Court House as the time and place for the final hearing of the said petition for the establishment of the proposed Regional Sewer District.
- (4) The Court further finds that Emil J. Masgay, Clerk of Courts of Cuyahoga County, Ohio, did give notice of the filing of said petition and

of the time and place of said hearing by publication once each week for four (4) consecutive weeks in both the Daily Legal News and the Cleveland Press, each of which are daily newspapers of general circulation printed and published in the City of Cleveland and County of Cuyahoga, Ohio; that proof of publication of said notices was duly filed herein and which notices the Court finds to be in conformity with the requirements of Section 6119.04 of the Revised Code of Ohio and hereby confirms and approves each of them.

- (5) The Court further finds that the said final hearing was called and conducted in Courtroom No. 11 at 1:30 P.M. on May 16, 1972, in accordance with the said notices.
- (6) The Court, upon due consideration of said petition including the plan of operations contained therein, the said objections thereto and the evidence and arguments of counsel with reference thereto, has and does hereby find that said objections should in some respects be sustained in part, over-ruled in part, and some objections be overruled and others sustained, and that amendments to the said petition and plan, deletions therefrom and additions thereto should be made as reflected in Exhibit "A" which is attached hereto and made a part hereof; that as amended, the petition of the Board of County Commissioners of Cuyahoga County, Ohio, for an order of this Court finding, adjudging and decreeing that the establishment of the Cleveland Regional Sewer District is necessary; that it and the plan for the operation of the District

is conducive to the public health, safety, convenience and welfare; that the plan for the operation of the District is economical, feasible, fair and reasonable and that the Court shall by its findings, entered of record, declare the District finally and completely organized and to be a political subdivision is well taken and should be granted.

(7) The Court having disposed of all objections to the petition and having made such amendments to, deletions to and additions to said petition and the plan for the operation of the District as Justice and equity require, does now HEREBY FIND, ORDER, ADJUDGE AND DECREE:

- (a) That this Court has jurisdiction of the parties and the subject matter in this proceeding:
- (b) That the Cleveland Regional Sewer District is necessary and that it and the plan for the operation of the District, all as contained in Exhibit "A" which is attached hereto and made a part hereof is conducive to the public health, safety, convenience and welfare, and that the plan for the operation of the District is economical, feasible, fair and reasonable.
- (8) The Court does further, in accordance with its findings herein, declare the Cleveland Regional Sewer District finally and completely organized and to be a political subdivision of the State of Ohio in accordance with Chapter 6119 of the Revised Code of Ohio in accordance with all the provisions contained in Exhibit "A", which is attached hereto and made a part hereof.
- (9) IT IS HEREBY FURTHER ORDERED that the appointing authorities designated herein forthwith appoint the members of the Board of Trustees of the Cleveland Regional Sewer District; and that each of such appointees forthwith qualify as a member of said Board of Trustees.
- (10) The Court does further hereby fix Tuesday, the 18th day of July, 1972, at 10:00 A.M. as the time and 1201 Lakeside Avenue, Cleveland, Ohio, as the place when said members of the Board of Trustees shall meet and elect a president and a secretary; that upon so doing the Cleveland Regional Sewer District shall thereupon exercise in its own name all the rights, powers and duties vested in it by Chapter 6119 of the Revised Code of Ohio and the within judgment of this Court.

(11) This Court retains jurisdiction of the question of inclusion of local sewers as a responsibility of the Regional District as set out herein, and further retains jurisdictions in accordance with Chio Revised Code 6119.051.

APPROVED AS TO FORM AND SUBSTANCE

Richard R. Hollington, Jr.
Director of Law, City of Cleveland

Guerin L. Avery
Attorney for Certain Defendants

William J. Brown Attorney General of Ohio

By: James Mc Sarry J

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JOHN T. CORRIGAN Prosecutor, Cuyahoga County

BY: A. M. Brail W Assistant Prosecutor

Copies of the within Judgment Entry sent by United States mail to Counsel of Record herein.

#### EXHIBIT A

#### THE CLEVELAND REGIONAL SEWER DISTRICT

- Name. The name of the District shall be "The Cleveland Regional Sewer District".
- 2. Place. The principal office of the District shall be located in the Cleveland Department of Public Utilities Office Building at 1201 Lakeside Avenue, Cleveland, Ohio. The Board of Trustees and the City of Cleveland shall enter into a lease for such premises upon such terms and conditions as shall be mutually agreeable to the parties.
- 3. NECESSITY FOR THE PROPOSED DISTRICT. The increase in the amount of waste water in the Metropolitan Cleveland area resulting from the increase in population and the expansion of industry in the many political subdivisions outside of the City of Cleveland without the existence of a single governmental agency with authority to control, plan, finance, establish rates, maintain, operate, adopt, establish and enforce rules and regulations for the purpose of uniform construction procedure, materials, inspection and controls of discharge into the system, has caused recurring litigation, has caused, in part, the necessity for the issuance of injunctive orders which have had the effect of practically eliminating new construction in Cleveland and most of Cuyahoga County, Ohio, has contributed to the polluted state of Lake Erie and the waters tributary to it and has endangered the public health and safety.

The establishment of a Regional Sewer District under the provisions of Chapter 6119 of the Ohio Revised Code is necessary and the establishment of said District will be conducive to the public health, safety, convenience and welfare.

4. The purpose of the District shall be the establishment of a total waste water control system for the collection, treatment and disposal of waste water within and without the District:

- (a) Serving the metropolitan Cleveland Area;
- (b) With uniform metropolitan rates;
- (c) With control, administration and financing by a Board of Trustees;
- (d) Capable of being expanded in the future to include additional areas;
- (e) With overall control of all waste water collection systems in the area through rules and regulations for the purpose of obtaining uniform construction and inspection of facilities and for the purpose of regulating discharges into the system, but with local sewage collection facilities under local jurisdiction for planning, construction, financing and maintenance purposes unless the local municipality desires to contract with the District for such services.
- Plan for Operation of The District.
- (a) The District shall be operated by the Board of Trustees; it shall appoint a general manager who will administer the District and employ the personnel required to implement the District's program; the operation of the District shall be in accordance with Chapter 6119 of The Ohio Revised Code and subject to and in accordance with the terms and conditions hereinafter contained.
- (b) The sewage treatment and disposal facilities of the City of Cleveland shall be transferred to the District in accordance with the order of the Cuyahoga County Common Pleas Court in Case No. 886,594, (consolidated), and the Board of Trustees shall commence the operation of the District upon their appointment and qualification as members, and the election of a president and secretary of said Board.

#### (c) Construction of Facilities

1. The District will plan, finance, construct, operate and control waste water treatment and disposal facilities, major interceptor sewers, all sewer regulator systems and devices, weirs, retaining basins, storm water handling facilities, and all other water pollution control facilities of the District. All construction and expansion of sewage treatment facilities, not including presently planned interceptors, after May 1, 1972, will be the responsibility of the District and the costs shall be borne by all users of the District.

In order to avoid any delay in the construction of presently planned facilities upon their approval by the State, the District shall employ the City of Cleveland to continue detailed planning of such facilities for the first four years of the District's existence or such period of time deemed practicable by the Board of Trustees of the District in order that the District assume its planning operations in an orderly fashion; such planning procedure includes the sewer regulator program presently planned by Cleveland and which program shall become a District program with the cost thereof borne by all District users.

2. The construction and financing of local sewerage collection systems will be the responsibility of the individual municipalities or political subdivisions, although the District has statutory authority in this area. The cost of constructing such collection facilities will be borne by the users in the territory served by such collection facilities although the District may participate in the financing of trunk sewers constituting a part of such collection systems through a rotary fund which would be reimbursed from tap-in charges and/or sewer surcharges collected from users in the sub-district.

Although consideration has been given to the inclusion of the responsibility for the planning, construction and operation of local sewers as a function of the District, determination thereof has been deferred until one year from the date hereof. Within that period of time, the Board of Trustees of the District shall conduct a study on the advisability of including such responsibilities with reference to local sewers in functions of the District and shall submit a report and recommendation thereon to this Court.

- (d) Operation of Facilities.
- 1. For the first four years, the District shall employ by contract the City of Cleveland to operate and maintain all major interceptor sewers, sewage treatment facilities and water pollution control facilities over which the Cleveland Regional Sewer District has jurisdiction. If, at any time during the period of this operating agreement, the City fails to operate the facilities in accordance with standards imposed by State and Federal regulatory agencies, and such failure is solely attributable to Cleveland's failure to discharge its duties or obligations under said operating agreement, the District

...

may terminate the operating agreement.

- 2. Pending a final determination of the question of local sewers as a responsibility of the District, local sewerage collection systems will be operated by the individual municipalities unless they contract with the District for such service. In either case, the cost of operating the collection systems would be borne by the municipality and not by the District.
- 3. The District will exercise over-all control of all waste water collection systems, through rules and regulations, for the purpose of obtaining uniform construction and inspection of facilities and regulation of discharges to the total system.
- 4. The aforesaid operating agreement provided for herein shall contain all provisions necessary for the District and the City of Cleveland to specify the duties and responsibilities of each party including but not limited to terms for:
  - 1. Rental of office spaces for the District offices;
  - Operation of and planning for District facilities by the City of Cleveland;
  - Billing and other administrative services to be furnished by Cleveland;
  - Collection, allocation and disbursement of sewage charges and increments for payments on Cleveland's bonded indebtedness and for payment of non-district functions;
  - The assignment by Cleveland to the District of various contractural obligations pertaining to the operation of sewage system or systems;
  - The method of transferring the various accounts receivable, accounts payable, and all other accounting functions of the sewage system of the City of Cleveland to the District.
  - (e) Financing.
- 1. As an interim requirement, the Cleveland Subdistrict
  (Subdistrict No. 1), will pay for presently planned interceptor sewer facilities that serve Cleveland users and the Suburban Subdistrict (Subdistrict No. 2) will pay for presently planned interceptor sewer facilities that serve suburban users. The presently planned interceptor sewer facilities to serve Cleveland users are the Northwest Interceptor and other waste water handling

facilities in Cleveland's westerly district and the presently planned interceptor sewer facilities to serve suburban users are the Southwest Interceptor, Cuyahoga Valley Interceptor, Broadway (Southeast) Interceptor, Heights Interceptor (including branch to serve Richmond Heights and Highland Heights) and improvements to the pumping stations and comminutor on the Wilson Mills (Hilltop) Interceptor.

- 2. It is contemplated that the major interceptor sewers, wastewater treatment facilities and the other water pollution control facilities will be eligible for financing under the program of the Ohio Water Development Authority. Under that program, the construction funds will be provided by the Ohio Water Development Authority and 70% of the costs of these projects will be repaid by the District to the Authority, with interest, over a twenty-five year period. The remaining 30% constitutes a subsidy from the Authority and need not be repaid. Should the Federal Government or the State increase its expenditures during the five years of the OWDA Program in excess of 30% of all Ohio project costs, the amount of such excess will be considered in establishing rates.
- 3. Other financing of District Projects. Any projects not financed through the Ohio Water Development Authority would be financed in such a manner as may be deemed appropriate by the Board of Trustees.
  - (f) Sewer Rates.

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The rates for sewage treatment and disposal shall be determined by the Board of Trustees and shall be in accordance with the following:

- Regional Sewer Rate: The Regional sewer rate will include increments for the following factors;
- (a) Planning expenses for the Regional Sewer District facilities to the extent such expenses are not included in construction costs.
- (b) Operation and maintenance expenses for the Regional Sewer District Facilities.
- (c) Payment of new capital costs incurred by the District, including debt service charges on bonds and payments to the Ohio Water Development Authority, for the three wastewater treatment plants and other water pollution control facilities of the Regional Sewer District handling waste-

waters of Cleveland and the suburbs, and for facilities of the Regional Sewer District beyond those presently planned.

- (d) A rotary fund account to be used to assist in the financing of trunk sewers.
  - 2. Cleveland (Subdistrict No. 1) rate:

The Cleveland Subdistrict rate will include increments for debt service charges on Cleveland's outstanding Bonds which are presently being paid from sewer revenues; payments to the Ohio Water development Authority incurred by Cleveland for improvements which have been installed at the three wastewater treatment plants; debt service charges for the Northwest Interceptor and other wastewater handling facilities in Cleveland's westerly district.

- 3. The Suburban (Subdistrict No. 2) rate will include:
- (a) Debt service charges for the presently planned Southwest, Southeast (Broadway), Cuyahoga Valley and Heights Express Interceptors, including the branch of the Heights Express to serve Richmond Heights and Highland Heights, and improvements to the pumping stations and comminutor on the Wilson.

  Mills (Hilltop) Interceptor.
- (b) An increment for the Equitable Equalization and reimbursement of design costs payable to the City of Cleveland in accordance with the Order of the Cuyahoga County Common Pleas Court, Case No. 886,594 (consolidated).

# 4. Interim Sewer Rates:

- (a) It is anticipated that the Equitable Equalization ordered by the Court in Cuyahoga County Common Pleas Court, Case No. 886,594 (consolidated) will be paid to Cleveland by the issuance of notes in anticipation of bonds. For so long as notes are outstanding in lieu of bonds, the existing sewerage service rates established by ordinance of the Cleveland City Council will be maintained by the Board of Trustees with the following modifications:
  - Added to the suburban (Subdistrict No. 2)
    rate will be an increment for interest on
    the notes outstanding.

- 2. The Board of Trustees may from time to time add specific increments to either or both subdistrict rates for:
  - (a) Increased costs of operation and maintenance,
  - (b) Financing of new construction of specific water pollution control facilities not otherwise provided for herein.
- (b) At such time as the Board issues bonds to retire all or a substantial portion of the notes, the Board shall re-establish rates according to any method it may deem fair and equitable but shall include therein the increments delineated in subparagraph (f) 1, 2 and 3 above. These re-established rates, however, shall include a credit in the suburban (Subdistrict No. 2) rate and an overcharge in the Cleveland (Subdistrict No. 1) rate for the purpose of re-paying to the suburbs any amounts paid by them under subparagraph (f) 4(a) above as a return on Cleveland's invested capital, plus interest on the total amount to be credited at a rate equal to the average rate of interest on the bonds, such credit to be repaid over the average maturity life of the bonds.
- 5. The allocation of the entire cost of amortizing the Northwest Interceptor to Cleveland and the entire cost of amortizing the aforementioned suburban interceptors to the suburbs is predicated on the assumption
  that these interceptors will be used exclusively for either Cleveland or
  suburban wastewaters. Should it develop that a substantial amount of wastewater (over 5%) is being discharged into these Interceptors by the other
  party, an adjustment in the subdistrict rates will be made to reflect such use.
- 6. Nothing herein contained shall be deemed to preclude the Board of Trustees from establishing industrial sewerage service rates in accordance with Cleveland's presently planned industrial rate program.
- (g) Existing sewer service agreements between the City of Cleveland and certain suburban municipalities which will be assigned to the District will necessitate adjustments in the rates to those municipalities.
- (h) The Cleveland Regional Sewer District shall assume all duties and obligations under the contract dated August 11, 1916, between the City of Cleveland and the Village of Newburgh Heights, and the contract

dated July 29, 1965 between the City of Cleveland and the City of Lakewood.

- (i) Assumption by the District of the ownership of any existing interceptors, treatment plants, or other facilities other than those of the City of Cleveland which is provided for in the Judgment Entry herein shall be accomplished in accordance with Chapter 6119 of the Ohio Revised Code.
- (j) Ownership of facilities. The District will own all facilities transferred to it and all facilities it purchases in the future.
- (k) Individual suburban communities will retain ownership of all local suburban facilities, pending final determination of the issue of including local sewers as a responsibility of the District.
- (1) All non-self supporting municipal functions of the City of Cleveland shall continue to receive sewage service free of charge and the Board of Trustees shall afford the same treatment to similar non-self supporting municipal functions of the suburban municipalities as soon as possible after it commences operation of the system.
  - 6. GENERAL DESCRIPTION OF THE TERRITORIES TO BE INCLUDED.
- (a). The District will initially include all political subdivisions in Cuyahoga County, Ohio presently served by Cleveland's waste water
  treatment facilities and those presently planned to be served, i.e. the municipalities to be served by the Cuyahoga Valley Interceptor and the branch of
  the Heights Express Interceptor to serve Richmond Heights and Highland Heights.
  A more detailed description of such area is attached hereto and made a part
  hereof and marked Exhibit "A(1)".
- (b). The District will initially be composed of two subdistricts, one consisting of the City of Cleveland (Subdistrict No. 1), and the other consisting of the areas outside of the City of Cleveland in Cuyahoga County, Ohio (Subdistrict No. 2). Other subdistricts may be created at the Board's discretion.

#### 7. BOARD OF TRUSTEES.

The governing body of the District shall be called the Board of Trustees.

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(a) The Board of Trustees shall consist of seven persons whose regular term shall be for a period of five years each.

Two of the members shall be appointed by the Mayor of the City of Cleveland who shall at all times be the Appointing Authority for members of the Board of Trustees sllocable to Subdistrict No. 1.

Two members shall be appointed by a Council of Governments comprised of all municipalities included within Subdistrict No. 2, which Council shall at all times be the Appointing Authority for members of the Board of Trustees allocable to Subdistrict No. 2. The Council of Governments shall be established pursuant to Chapter 167 of the Ohio Revised Code no later than June 26, 1972.

One member shall be appointed by the Cuyahoga County Board of County Commissioners, which member shall be representative of all municipalities within the Three Rivers Watershed District.

One member shall be designated as a member appointed on the basis of sewage flow. The initial appointment, therefore, shall be made by the Appointing Authority of Subdistrict No. 1 and thereafter such appointment shall be made by the Appointing Authority of the Subdistrict having the greatest sewage flow as determined at the end of each five year term. This member shall not be a municipal employee.

One member shall be designated as a member appointed upon the basis of population. The initial appointment, therefore, shall be made by the Appointing Authority of Subdistrict No. 1 and thereafter such appointment shall be made by the Appointing Authority of the Subdistrict having the greatest population as determined on the basis of the United States Decemnial Census next preceding the end of each five year term. This member shall not be a municipal employee.

(b) Each member appointed by the Mayor of the City of
Cleveland or by the Council of Governments shall be a resident of the State of
Ohio and shall have been a qualified elector of Cuyahoga County, Ohio for a

period of at least three years next preceding his appointment. The member appointed by the Board of County Commissioners of Cuyahoga County, Chio shall have been a resident of the State of Chio for a period of at least five years next preceding his appointment.

- (c) The members first appointed by the Mayor of Cleveland shall have terms expiring on March 1, 1974, and March 1, 1975; the members first appointed by the Suburban Council of Governments shall have terms expiring March 1, 1974 and March 1, 1975; the member first appointed by the Board of County Commissioners shall have a term expiring March 1, 1977; the member first appointed on the basis of sewage flow shall have a term expiring March 1, 1977; the member first appointed on the basis of population shall have a term expiring March 1, 1977.
- (d) The successor of each such member shall be appointed for a term of five years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. A member of the Board of Trustees is eligible for reappointment. Each appointed member before entering upon his duties shall take an oath as provided by Section 7 of Article XV Ohio --- Constitution.
- (e) The Board shall elect one of its members as President and shall elect another as secretary. Four members of the Board shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by vote of the Board. No vacancy in the membership shall impair the rights of a quorum to exercise all the rights and perform all the duties of the Board of Trustees.
- (f) The annual compensation for the President of the Board shall be \$5,200.00 plus expenses.
- (g) The annual compensation for its members shall be \$3,600.00 plus expenses.

#### 8. PRELIMINARY FINANCING.

The financing of the cost of the operations of the District, until it is in receipt of revenue from its operations or proceeds from the sale of bonds, shall consist of such sums of money as are advanced to it by the City of Cleveland, pursuant to an Agreement between the District and the City providing for the repayment of such sums in accordance with Revised Code Section 6119.04(D).

#### "EXHIBIT A (1)"

The territory to be included in the Cleveland Regional Sewer
District shall include all the territory located within the boundaries outlined
on the attached map, which territory is that portion of Cuyahoga County
presently served, or mainly capable of being served by gravity, by sewers
leading to the three wastewater treatment plants of the City of Cleveland
plus the territory in Cuyahoga County to be served initially by the proposed
Cuyahoga Valley Interceptor Sewer. The political subdivisions to be included
in whole or in part in the Cleveland Regional Sewer District are the following:

Beachwood, City of '(all)

Bratenahl, Village of (all)

Brecksville, City of (all)

Broadview Heights, City of

(all except that portion located south of the Ohio Turnpike)

Brook Park, City of

(only that portion north of Five Points Road between the Berea Freeway and Interstate Route 71; north of Holland Road between Interstate Route 71 and Smith Road; and north of the southerly corporation line between Smith Road and West 130th Street)

Brooklyn, City of (all)

Brooklyn Heights, Village of (all)

Cleveland, City of

(all except that portion in the extreme northeast part of the City which is served by sewers connected to the Euclid Wastewater Treatment Plant and except that portion in the western part of the City which is served by sewers connected to the Lakewood Wastewater Treatment Plant)

Cleveland Heights, City of (all)

Cuyahoga Heights, Village of (all)

East Cleveland, City of (all)

Euclid, City of

(only that portion in the western part of the City served by sewers connected to the Cleveland Easterly Wastewater Treatment Plant)

Garfield Heights, City of (all)

Gates Mills, Village of

(only that portion on the east side of S.O.M. Center Road South of Mayfield Road)

Highland Heights, City of (all)

Independence, City of (all)

Lakewood, City of

(only that portion on the northwest side of Berea Road served by sewers connected to the Cleveland Westerly Wastewater Treatment Plant)

Linndale, Village of (all)

Lyndhurst, City of (all)
Mayfield Heights, City of (all)
Maple Heights, City of (all)
Mayfield, Village of (all)
Middleburg Heights, City of

(only that portion in the northeastern part of the City served by sewers connected to the Cleveland Southerly Wastewater Treatment Plant)

Newburgh Heights, Village of (all)

North Randall, Village of (all)

North Royalton, City of

(only that portion in the northeastern part of the City served by sewers connected to the Cleveland Southerly Wastewater Treatment Plant)

Oakwood, Village of (all except that portion of the Village located north of Forbes Road)

Parma, City of - (all except that portion in the extreme southwest corner of the City which is served by sewers connected to the North Royalton Wastewater Treatment Plant)

Parma Heights, City of (all)

Richmond Heights, City of

(all except that portion in the western part of the City served by sewers connected to the Euclid Wastewater Treatment Plant) \*\*\*

Riveredge Township (all)

Seven Hills, City of (all)

Shaker Heights, City of (all)

South Euclid, City of

(all except that portion in the north central part of the City served by sewers connected to the Euclid Wastewater Treatment Plant)

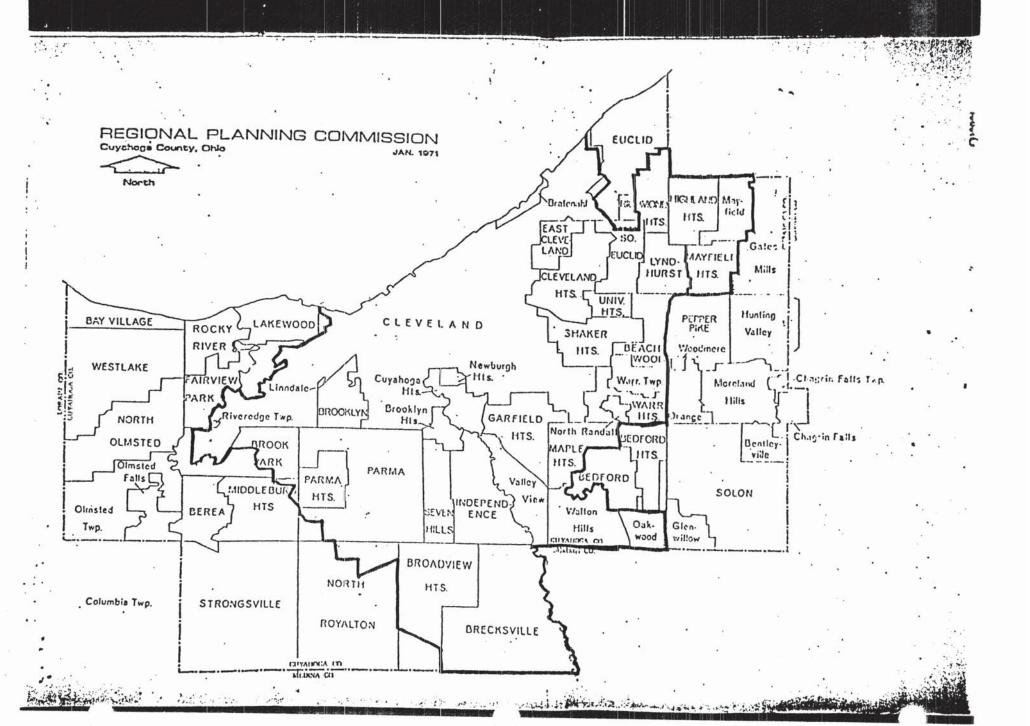
University Heights, City of (all)

Valley View, Village of (all)

Walton Hills, Village of (all)

Warrensville Township (all)

Warrensville Heights, City of (all)



The State of Ohio, CUYAHOGA COUNTY Ss.

I, EMIL J. MASGAY, Clerk of the

Common Pleas Court within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio, to be kept, hereby certify that the foregoing is taken and copied from the Journal Bank 180 Page 360 - Court of the proceedings of the Common Pleas Court within and for said Cuyahoga County, and that the said foregoing copy has been compared by me with the original entry on said Journal Final 180 Page 360 - Court and that the same is a correct transcript thereof.

Dated June 15 - 1972

EMIL J. MASGAY, Clerk of Courts

By Wanda Jangenbak Deputy Clerk



OMB Number: 4040-0004 Expiration Date: 8/31/2016

Application for Federal Assista	ance SF-424					
* 1. Type of Submission:  Preapplication	* 2. Type of Application: *  New	If Revision, select appropriate letter(s):				
Application	I —	Other (Specify):				
Changed/Corrected Application	Revision					
* 3. Date Received:	Applicant Identifier:					
12/17/2015						
5a. Federal Entity Identifier:  5b. Federal Award Identifier:						
State Use Only:						
6. Date Received by State:	7. State Application I	dentifier:				
8. APPLICANT INFORMATION:						
* a. Legal Name: Northeast Ohio	Regional Sewer Distric	et				
* b. Employer/Taxpayer Identification Nu	mber (EIN/TIN):	* c. Organizational DUNS:				
34-1128332		0745540980000				
d. Address:						
* Street1: 3900 Euclid A	Avenue					
Street2:						
* City: Cleveland						
County/Parish: Cuyahoga						
* State:		OH: Ohio				
Province:						
* Country:		USA: UNITED STATES				
* Zip / Postal Code: 44115-2506						
e. Organizational Unit:						
Department Name:		Division Name:				
Engineering & Construction		Regulatory Compliance				
f. Name and contact information of person to be contacted on matters involving this application:						
Prefix: Mrs.	* First Name	Lindsey				
Middle Name: C						
* Last Name: Polichuk						
Suffix:						
Title: Environmental Specialis	t					
Organizational Affiliation:						
Northeast Ohio Regional Sewer District						
* Telephone Number: 216-881-6600 ext. 6231 Fax Number: 216-881-2738						
* Email: polichukl@neorsd.org						

Application for Federal Assistance SF-424
* 9. Type of Applicant 1: Select Applicant Type:
D: Special District Government
Type of Applicant 2: Select Applicant Type:
Type of Applicant 3: Select Applicant Type:
* Other (specify):
* 10. Name of Federal Agency:
Environmental Protection Agency
11. Catalog of Federal Domestic Assistance Number:
66.818
CFDA Title:
Brownfields Assessment and Cleanup Cooperative Agreements
* 12. Funding Opportunity Number:
EPA-OSWER-OBLR-15-06
* Title:
FY16 Guidelines for Brownfields Cleanup Grants
13. Competition Identification Number:
Title:
14. Areas Affected by Project (Cities, Counties, States, etc.):
Add Attachment Delete Attachment View Attachment
7.00 / Machine M. View / Machi
* 15. Descriptive Title of Applicant's Project:
Woodland/Central West Basin Green Infrastructure Project - Cooper Property
Attach supporting documents as specified in agency instructions.
Add Attachments Delete Attachments View Attachments

Application for Federal Assistance SF-424						
16. Congressional	Districts Of:					
* a. Applicant 1	1	* b. Program/Project 11				
Attach an additional	ist of Program/Project Congressional Distr	icts if needed.				
		Add Attachment Delete Attachment View Attachment				
17. Proposed Proje	ect:					
* a. Start Date: 10/01/2016 * b. End Date: 09/30/2019						
18. Estimated Fund	ling (\$):					
* a. Federal	200,000.00					
* b. Applicant	40,000.00					
* c. State	0.00					
* d. Local	0.00					
* e. Other	0.00	<u> </u>				
* f. Program Income		닉				
* g. TOTAL	240,000.00					
	Subject to Review By State Under Exe					
		der the Executive Order 12372 Process for review on				
	ubject to E.O. 12372 but has not been so	Selected by the State for review.				
C. Program is not covered by E.O. 12372.						
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)						
	_	If "Yes," provide explanation in attachment.)				
Yes	☑ No	If "Yes," provide explanation in attachment.)				
Yes	_	Add Attachment Delete Attachment View Attachment				
Yes If "Yes", provide ex	No planation and attach	Add Attachment Delete Attachment View Attachment				
If "Yes", provide ex  21. *By signing thi herein are true, co	planation and attach s application, I certify (1) to the stater	Add Attachment  Delete Attachment  View Attachment  ments contained in the list of certifications** and (2) that the statements my knowledge. I also provide the required assurances** and agree to				
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